

MONDAY, APRIL 7, 1986

EIGHTY-SEVENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Dr. Ralph Nance, Natchez Trace Church of Christ, Nashville, Tennessee.

Representative Cobb led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 89

Representatives present were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1600, 1671, 1743, 1802, 1883, 1945, 2013, 2016 and 2042; and House Resolution No. 126 and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1600, 1671, 1743, 1802, 1883, 1945, 2013, 2016 and 2042; and House Resolution No. 126.

MOTION TO RECALL

Mr. Robinson (Davidson) moved that House Rule No. 77 be suspended for the purpose of recalling House Bill No. 2004 from the Committee on Calendar and Rules.

Mr. Moody objected to the motion.

Mr. Robinson (Davidson) withdrew his motion to recall.

RESOLUTIONS RE-REFERRED

Mr. Ellis moved that House Joint Resolution No. 610 be recalled from the Committee on Labor and Consumer Affairs, which motion prevailed.

Mr. Ellis moved that House Joint Resolution No. 610 be referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Crain moved that House Joint Resolution No. 668 be recalled from the Committee on Transportation, which motion prevailed.

Mr. Crain moved that House Joint Resolution No. 668 be referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Brewer moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 684 out of order, which motion prevailed.

House Joint Resolution No. 684--Relative to honoring John H. (Jack) Morris--By Brewer, Nance, Dixon, Shirley, Hassell, Kent, Byrd, Turner, C. (Shelby), Turner, L. (Shelby), Jones, Gaia, Gill, DeBerry, King and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Brewer, the resolution was adopted.

A motion to reconsider was tabled.

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Mr. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 700 out of order, which motion prevailed.

House Joint Resolution No. 700--Relative to proclaiming Middle Tennessee Area Health Education Center Week--By Love and Bragg.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Brewer moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 701 out of order, which motion prevailed.

House Joint Resolution No. 701--Relative to honoring recipients, Woman of the Year award--By Brewer, DeBerry, Tuner, L. (Shelby), Dixon, and King.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Brewer, the resolution was adopted.

A motion to reconsider was tabled.

CALENDAR

House Bill No. 1625--To continue motor vehicle commission.

On motion, House Bill No. 1625 was made to conform with Senate Bill No. 1769.

On motion, Senate Bill No. 1769, on same subject, was substituted for House Bill No. 1625.

Mr. King moved that Senate Bill No. 1769 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	5
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh,

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Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--86.

Representatives voting no were: Cobb, Davis (Knox), Kernell, May and Williams--5.

Representative present and not voting was: Stallings--1.

A motion to reconsider was tabled.

House Bill No. 1550--To create alternative programs, persons on probation.

Mr. McAfee moved that House Bill No. 1550 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1550 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, the amendment was adopted.

Mr. McAfee moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1550 by adding thereto the following new sections two and three and by renumbering the existing section two accordingly:

Section 2. The provisions of this act shall be subject to funding availability and availability of a suitable facility within the Department of Correction. The department is directed to consider the feasibility of incorporating the alternative program authorized by this act into one of the department's planned new maximum security facilities.

Section 3. Nothing in this act shall be construed to limit the current authority of a trial judge to sentence a defendant to an initial period of incarceration at a jail or workhouse as a

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condition of probation in accordance with the provisions of the Criminal Sentencing Reform Act of 1982, as amended, or in conjunction with a community based program in accordance with the provisions of the Tennessee Community Corrections Act of 1985.

On motion, the amendment was adopted.

Mr. McAfee moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1550 by amending subsection "a" of Section 1 as follows:

- 1) by deleting in the first sentence the word "five (5)" and by substituting instead the word "six (6)".
- 2) by deleting in the first sentence the words "one hundred and eighty (180)" and by substituting instead the word "ninety (90)".
- 3) by deleting the second sentence in its entirety and by substituting instead the following sentence:

"Notwithstanding any other provisions of the law to the contrary, such probationers shall not be entitled to have their time in the "special alternative incarceration" unit reduced by sentence credits of any sort."

On motion, the amendment was adopted.

Thereupon, House Bill No. 1550, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

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House Bill No. 1205--To make certain provisions, workers' compensation claims.

Mr. Davidson moved that House Bill No. 1205 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 1171--To regulate registration of deeds.

On motion, House Bill No. 1171 was made to conform with Senate Bill No. 1192.

On motion, Senate Bill No. 1192, on same subject, was substituted for House Bill No. 1171.

Mr. Davidson moved that Senate Bill No. 1192 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford,

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Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Buck, Crain and Hurley--3.

A motion to reconsider was tabled.

Mr. Frensley moved that House Bill No. 1716 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 2011--To authorize bond issue, certain highway construction.

Mr. Ivy moved that House Bill No. 2011 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	74
Noes	15
Present and not voting	4

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gafford, Garrett, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --74.

Representatives voting no were: Bewley, Chiles, Davis (Knox), Frensley, Harrill, McCroskey, McNally, Moody, Nance, Robinson (Washington), Scruggs, Swann, Tankersley, Webb and Whitson--15.

Representatives present and not voting were: Clark (Sumner), Henry, Kent and May--4.

A motion to reconsider was tabled.

House Bill No. 1623--To exempt certain repair services from sales tax.

Mr. Ellis moved that House Bill No. 1623 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1623 by deleting Section 1 in its entirety and substituting in lieu thereof the following new section:

SECTION 1. Tennessee Code Annotated, Section 67-6-313, is amended by adding the following as subsection (c) thereto:

There shall be exempt from the sales and use tax all "repair service labor" performed with respect to "aircraft engine equipment" and "aircraft mainframes" where the repair services on such "aircraft engine equipment" or "aircraft mainframes" are initiated, performed or completed in repair facilities within the State of Tennessee. For the purpose of this subsection, the term "aircraft engine equipment" shall mean any aircraft engine (including all associated parts, appurtenances and accessories) for the propulsion of aircraft used by a commercial interstate or international air carrier. For the purpose of this subsection, the term "aircraft mainframes" shall mean any aircraft body, wing, tail assembly, aileron, rudder, landing gear, engine housing, and any other assembly or component integral to the aerodynamic structure of aircraft used by a commercial interstate or international air carrier. For the purposes of this subsection the term "repair service labor" shall include all labor performed in connection with the repair, maintenance, overhauling, rebuilding, or modifying of "aircraft engine equipment" or of "aircraft mainframes" together with any test or inspection necessary or appropriate thereto.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1623, as amended, passed its third and final consideration by the following vote:

Ayes	65
Noes	26

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Byrd, Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Garrett, Hassell, Hawkins, Henry, Hillis, Hobbs, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Love, Montgomery, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--65.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Gafford, Harrill, Hurley, Lawson, May, McCroskey, McNally, Miller,

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Moody, Peroulas, Robinson (Washington), Shirley, Stafford, Stallings, Swann, Tankersley and Webb--26.

A motion to reconsider was tabled.

Mr. Love moved that House Bill No. 1494 be placed on the Calendar behind the Appropriations Bill Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 864--To make certain provisions disabled persons.

Ms. Turner (Hamilton) moved that House Bill No. 864 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 864 by deleting Section 1 through 3 in their entirety and substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Title 14, Chapter 16, is amended by designating the present language as Part 1 by adding Sections 3 through 12 of this act as Part 2.

SECTION 2. Tennessee Code Annotated, Sections 14-16-102 through 14-16-114, are amended by deleting the words "this chapter" wherever they may appear and by substituting instead the words "Part 1 of this chapter".

SECTION 3. As used in Part 2 of this chapter unless the context otherwise requires:

(1) "Division" means the division of vocational rehabilitation of the department of human services.

(2) "Employed" means engaged in activity of thirty (30) or more hours per week for which the individual receives remuneration at a rate not less than the federal minimum wage.

(3) "Family member" means an individual's parent, grandparent, sibling, child, spouse, spouse's parent, spouse's grandparent, spouse's sibling or spouse's child.

(4) "Personal care assistance services" means services rendered at least five (5) days a week at the times of day which are required by an individual with a severe physical disability to become physically independent in connection with actual employment. These services include, but are not limited to:

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(A) Routine bodily functions, such as bowel or bladder care;

(B) Dressing;

(C) Preparation and consumption of food;

(D) Moving into, out of, or turning in bed;

(E) Routine bathing;

(F) Ambulation; and/or

(G) Any other similar activity of daily living as determined appropriate by the division.

(5) "Severe physical disability" means a functional loss of both arms and both legs, when it is anticipated that the loss will be permanent.

SECTION 4. The division shall subsidize personal care assistance services pursuant to this act for an individual eligible under the provisions of Section 5. Such subsidy for any individual shall not exceed forty (40) hours per week.

SECTION 5. An individual is eligible for a personal care assistance services subsidy under this act if such individual:

(a) is eighteen (18) years of age or older;

(b) has a severe physical disability;

(c) is receiving or has received vocational rehabilitation services from the division;

(d) is employed or ready for employment;

(e) has a need documented under Section 7 of this act for not less than fourteen (14) hours a week of personal care assistance service provided by a person other than a family member, which services are necessary to enable the individual to be employed;

(f) is not otherwise eligible for personal care assistance services under other state or federal programs;

(g) agrees to a periodic reevaluation of his need to personal care assistance services and of the extent of that need;

(h) has no or insufficient personal income or other support from public services, family members or neighbors; and

(i) agrees to recruit, hire, fire, and supervise the person who provides personal care assistance services to him.

(j) qualifies under Section 8 of this act.

SECTION 6.

(a) The division shall determine the amount of subsidy provided under Section 4 by the following formula:

(1) Individual's annual gross income, including Social Security Disability Income (SSDI), Supplemental Security Income (SSI) and disability pensions;

(2) Subtract federal and state income taxes paid from the amount in item (1);

(3) Subtract standard federal personal and state income tax exemptions from the remainder in item (2);

(4) Subtract F.I.C.A. or mandatory pension contributions from the remainder in item (3);

(5) Subtract impairment related work expense which are incurred by the individual in order to function on a job and are not reimbursed by a third party from the remainder in item (4);

(6) Divide the remainder in item (5) by two; and

(7) Subtract \$4,800 from the quotient in item (6).

(b) If there is no income remaining after application of the formula in subsection (a) the division shall subsidize full cost for personal care assistance services provided to that individual.

(c) if there is income remaining after application of formula in subsection (a) the cost to the division for personal care services provided to that individual shall be reduced by the amount of that income.

(d) this program may supplement any other program for which the individual is eligible.

SECTION 7.

(a) The director of the division shall designate one (1) or more evaluation teams, which shall consist of at least two (2) persons, one (1) of whom shall be a licensed medical professional and one of whom shall be a licensed occupational therapist or physical therapist.

(b) Each individual who applies to the division for a personal care assistance services subsidy shall be evaluated by an evaluation team which shall determine the need of that individual for personal care assistance service and the extent of that need.

(c) An individual receiving a personal care assistance subsidy pursuant to this act shall be periodically reevaluated by an evaluation team to determine his continuing need for personal care assistance services and the extent of that need.

SECTION 8.

(a) The Commissioner of the department of Human Services shall promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, such rules as shall be necessary to ensure that the provisions of this act are implemented in an efficient and effective manner.

(b) The commissioner is authorized to establish the hourly rate for the subsidy for personal care assistance services. Funding for the subsidy provided by this act shall be from year to year as such funds are specifically appropriated in the general appropriations act pursuant to Tennessee Code Annotated, Title 9, Chapter 6, Part 1.

SECTION 9. The department of human services shall annually report to the Governor and the General Assembly on the progress made in the personal care assistance program and shall maintain a register of individuals served and individuals eligible for the program but unserved.

SECTION 10. The Comptroller of the Treasury shall perform a program evaluation audit on the personal care assistance and report to the appropriate standing committees of the General Assembly not later than three (3) years after the effective date of this act.

In addition to the contents required by Tennessee Code Annotated, Title 4, Chapter 29, the audit shall also include:

(a) A determination as to the extent to which aid and services provided under this part remove disincentives to employment now embodied in federal law and thereby encourage severely physically disabled persons eligible for subsidy under this part to secure employment suited to their disability;

(b) A determination of the numbers and types of severely physically disabled persons in need of the subsidy provided under this part, including analysis of factors constituting that need; and

(c) An assessment of the administration and delivery of that aid and those services and the cost effectiveness, advantages, disadvantages, problems and issues related to that administration and delivery.

SECTION 11. In addition to any state funds appropriated to provide services under this act, the department of human services may apply for and use any federal or private funds, grants, and other support which is available to carry out the personal care assistance program.

SECTION 12. This act shall take effect July 1, 1986, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 864 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any provision of this act to the contrary, no funds in excess of one hundred thousand dollars (\$100,000) shall be obligated or expended to implement or partially implement this act during the 1986-87 fiscal year.

On motion, the amendment was adopted.

Thereupon, House Bill No 864, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

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House Bill No. 2002--To regulate levy of local sales tax.

On motion, House Bill No. 2002 was made to conform with Senate Bill No. 2011.

On motion, Senate Bill No. 2011, on same subject, was substituted for House Bill No. 2002.

Mr. McNally moved that Senate Bill No. 2011 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, and Mr. Speaker McWherter--88.

Representatives voting no were: Copeland, Lawson, Stallings and Wolfe--4.

A motion to reconsider was tabled.

BILL RECALLED

On motion of Mr. Rhinehart, House Bill No. 1694 was recalled from the Governor's Office.

Mr. Jones moved that House Bill No. 1316 be placed on the Calendar for Wednesday, May 13, 1986, which motion prevailed.

Ms. Williams moved that House Bill No. 1767 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1668--To amend Section 4-21-101, Code.

Ms. Williams moved that House Bill No. 1668 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier,

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Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

House Bill No. 1536--To make certain provisions, employees, serving as jurors.

On motion, House Bill No. 1536 was made to conform with Senate Bill No. 1655.

On motion, Senate Bill No. 1655, on same subject, was substituted for House Bill No. 1536.

Ms. Williams moved that Senate Bill No. 1655 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

Representatives voting no were: Crain and Phillips--2.

A motion to reconsider was tabled.

House Bill No. 1534--To make certain provisions, court orders.

On motion, House Bill No. 1534 was made to conform with Senate Bill No. 1659.

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On motion, Senate Bill No. 1659, on same subject, was substituted for House Bill No. 1534.

Ms. Williams moved that Senate Bill No. 1659 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following bill on the Consent Calendar:

Mr. Copeland objected to House No. 1838.

Under the rules, House Bill No. 1838 was placed at the foot of the Calendar for the next Calendar.

House Joint Resolution No. 600--Relative to including minorities, regulatory boards and commissions.

House Resolution No. 111--Relative to study, special education services.

House Joint Resolution No. 546--Relative to study recreational values of House Mountain.

House Joint Resolution No. 619--Relative to requesting report regarding boards and commissions.

House Bill No. 1383--To amend Section 55-10-303, Code.

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On motion, House Bill No. 1383 was made to conform with Senate Bill No. 1476.

On motion, Senate Bill No. 1476, on same subject, was substituted for House Bill No. 1383.

House Bill No. 1590--To regulate use of sulfites, food service establishments.

On motion, House Bill No. 1590 was made to conform with Senate Bill No. 1566.

On motion, Senate Bill No. 1566, on same subject, was substituted for House Bill No. 1590.

House Bill No. 1810--To regulate hunting, certain counties.

On motion, House Bill No. 1810 was made to conform with Senate Bill No. 1920.

On motion, Senate Bill No. 1920, on same subject, was substituted for House Bill No. 1810.

House Joint Resolution No. 664--Relative to honoring Baskerville Holmes.

House Joint Resolution No. 665--Relative to honoring Andre Turner.

House Joint Resolution No. 666--Relative to honoring Cleo Wrap.

Senate Joint Resolution No. 308--Relative to expressing appreciation, Barbara Wallace.

Senate Joint Resolution No. 309--Relative to congratulating Coach Donnie Jordan and girls' basketball team.

Senate Joint Resolution No. 311--Relative to honoring Benjamin L. Smith.

Senate Joint Resolution No. 312--Relative to congratulating coach Larry Ricker and girls basketball team.

Senate Joint Resolution No. 314--Relative to sympathy, James E. Corcoran.

Senate Joint Resolution No. 320--Relative to appreciation, Gayle Sayers.

House Bill No. 1307--To provide for amusement tax, Knox County.

House Bill No. 2018--To amend Charter, Cookeville.

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House Bill No. 2054--To repeal Chapter 728, Private Acts, 1947.

House Bill No. 2055--To amend Charter, Trenton.

House Bill No. 2058--To regulate General Sessions Court, Wilson County.

House Bill No. 2036--To set compensation, county attorney, Scott County.

On motion, House Bill No. 2036 was made to conform with Senate Bill No. 2036.

On motion, Senate Bill No. 2036, on same subject, was substituted for House Bill No. 2036.

House Bill No. 2062--To establish Board of Road Commissioners, White County.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1222--To provide for home instructions, certain students.

Ms. Peroulas moved that House Bill No. 1222 be passed on third and final consideration.

Mr. Work moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1222 by deleting the language of Sections 1 and 2 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 10 is amended by inserting the following language as a new, appropriately numbered part:

(a) Beginning with the 1986-1987 school year, each local education agency shall establish a program of homebound instruction for pregnant students. In order to reduce the drop-out rate among such students, each local education agency shall offer each pregnant student three (3) hours of homebound instruction per week throughout a six (6) week period of maternity leave. If at the conclusion of such period of maternity leave, the student's physician certifies in writing that the student's medical condition prevents her from returning to regular classes, then the local education agency shall continue to offer three (3) hours of homebound instruction per week, subject to periodic re-certification that the student remains medically unable to attend class because of health complications arising from her pregnancy.

(b) Each local education agency shall be entitled to reimbursement from the state for providing the homebound instruction services required by the provisions of this act: such reimbursement not to exceed three (3) hours of weekly instruction for each student who qualifies. The hourly reimbursement rate available from the state shall be determined by the department of education based upon the average state salary for teachers and shall be payable to a local education agency on a monthly basis upon receipt of time sheets for each teacher providing such homebound instruction services during such month. Such time sheets shall be maintained and submitted by the local education agency which shall attest to the accuracy of such records.

(c) The department of education shall promulgate in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, such rules as shall be necessary to ensure that the provisions of this act are implemented in an efficient and effective manner.

SECTION 2. For purposes of promulgating such rules as may be required, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 1986.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1222 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The implementation of the provisions of this act and the expenditure of any funds to implement such provisions shall be subject to the approval of the commissioner of finance and administration.

On motion, the amendment was adopted.

Mr. Stafford moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1222 by deleting Section 1 in its entirety, and substituting in lieu thereof the following:

Section 1. Tennessee Code Annotated, Section 49-10-113, is amended by adding a new subsection as follows, to be appropriately designated:

() Notwithstanding the state funding provisions provided by this section, the parents of a pregnant student and the parents of the biological father of the fetus, shall pay for the costs of homebound instruction of the pregnant student. If the identity of the biological father of such fetus cannot be determined, the costs of such instruction shall be paid by the parents of the pregnant student.

Ms. Duer moved that Amendment No. 3 be tabled.

Mr. Burnett moved the previous question, which motion prevailed by the following vote:

Ayes	77
Noes	9

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gafford, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, May, McCroskey, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Work and Mr. Speaker McWherter--77.

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Representatives voting no were: Crain, Dills, Frensley, McAfee, McNally, Robinson (Davidson), Stafford, Wood and Yelton--9.

Thereupon, House Bill No. 1222, as amended, passed its third and final consideration by the following vote:

Ayes	86
Noes	9

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Work and Mr. Speaker McWherter--86.

Representatives voting no were: Curlee, Dills, Frensley, McAfee, Napier, Stafford, Wolfe, Wood and Yelton--9.

A motion to reconsider was tabled.

House Bill No. 1962--To increase Medicaid coverage, hospital care.

Mr. Starnes moved that House Bill No. 1962 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1962 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are otherwise appropriated and available for expenditure to implement or partially implement the provisions of this act.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1962 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ . The implementation of the provisions of this act and the expenditure of any funds to implement such provisions shall be subject to the approval of the commissioner of finance and administration.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1962 by deleting the second sentence of section 1 of the bill and by inserting and substituting, instead, the following as a new second sentence:

The Commissioner of Health and Environment is further directed to promulgate a rule establishing a system of prospective reimbursement, targeted reimbursement, diagnosis-related groups, or other method of reimbursement related to diagnosis, at which time such mechanism shall be used to determine the number of inpatient hospital days instead of the twenty (20) day limitation provided in the preceding sentence.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1962, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

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A motion to reconsider was tabled.

Mr. Starnes moved that House Bill No. 1811 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

Ms. Williams moved that House Bill No. 1537, be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

Mr. Davidson moved that House Bill No. 428 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1828--To set punishment, prostitution.

On motion, House Bill No. 1828 was made to conform with Senate Bill No. 1879.

On motion, Senate Bill No. 1879, on same subject, was substituted for House Bill No. 1828.

Mr. Ussery moved that Senate Bill No. 1879 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1879 by deleting from the second sentence of Section 6(b) the words "or had reason to believe".

AND FURTHER AMEND by adding at the end of Section 6(b) the following:

If the court enters an order stating that the premises shall not be occupied or used for a specific period of time, such order shall be appropriately filed in the office of the Register of Deeds.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1879, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray,

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Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

On motion of Mr. Hobbs, House Joint Resolution No. 497 was withdrawn from the House.

House Bill No. 2012--To authorize bond issue, improving Highway 99.

Mr. Hobbs moved that House Bill No. 2012 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes	12

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--81.

Representatives voting no were: Bewley, Chiles, Davis (Knox), Frensley, Harrill, McCroskey, McNally, Moody, Robinson (Washington), Swann, Webb and Whitson--12.

A motion to reconsider was tabled.

House Bill No. 1787--To provide for legal counsel, indigents.

Mr. Murphy moved that House Bill No. 1787 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1787 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held

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invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1787 by adding the following new appropriately numbered section:

SECTION ____ . Tennessee Code Annotated, Section 40-14-202, is further amended by adding the following new subsection:

() No court shall appoint a member of the general assembly as counsel for an indigent defendant unless the judge thereof certifies that no other equally competent attorney is available to represent such defendant. If the judge so certifies, it shall not be considered a conflict of interest for such member to represent the defendant or to be compensated for such representation in the same manner and amount as other court appointed attorneys.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1787 by deleting the original Sections 3, 4 and 5 in their entirety and by renumbering subsequent sections accordingly.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1787, as amended, passed its third and final consideration by the following vote:

Ayes	80
Noes	13
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Garrett, Hassell, Henry, Hillis, Hobbs, Huskey, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson

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(Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter --80.

Representatives voting no were: Bewley, Chiles, Davis (Cocke), Duer, Harrill, Hawkins, Hurley, Ivy, Lawson, McCroskey, Shirley, Whitson and Wood--13.

Representative present and not voting was: Robinson (Hamilton) --1.

A motion to reconsider was tabled.

House Bill No. 1881--To regulate sales tax, industrial machinery.

Mr. Wheeler moved that House Bill No. 1881 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1881 by deleting SECTION 1 in its entirety, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-102, is amended by adding the following language at the end of subdivision 8(A): mining machinery, apparatus, equipment and materials, with all associated parts and accessories, including repair parts and any necessary repair or installation labor, which is necessary to and primarily for: (i) the removal, extraction of detachment of coal from land by surface, underground or other lawful methods of mining and the construction or maintenance of necessary ingress and egress from the mine, (ii) the removal, handling and replacement of overburden and spoils materials, and (iii) the reclamation of mined areas reclaimed under state or federal laws, rules or regulations;

On motion, the amendment was adopted.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1881 by deleting from Section 2 the words "as defined in Section 1 of this act".

On motion, the amendment was adopted.

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Thereupon, House Bill No. 1881, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	7
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--83.

Representatives voting no were: Chiles, Clark (Sumner), Lawson, Moody, Phillips, Swann and Tankersley--7.

Representatives present and not voting were: Clark (Davidson) and Turner, L. (Shelby)--2.

A motion to reconsider was tabled.

House Bill No. 1374--To extend use of telephone network to state college students.

On motion, House Bill No. 1374 was made to conform with Senate Bill No. 1756.

On motion, Senate Bill No. 1756, on same subject, was substituted for House Bill No. 1374.

Mr. Chiles moved that Senate Bill No. 1756 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1756 by adding the following language at the end of the amendatory language of Section 1:

All actions taken by the department of general services in extending such service shall comply with the rules and regulations promulgated by the Public Service Commission.

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 1756, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representative voting no was: Stafford--1.

A motion to reconsider was tabled.

Mr. Rhinehart moved that House Bill No. 1684 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1782--To exempt certain school supplies from sales tax.

On motion, House Bill No. 1782 was made to conform with Senate Bill No. 1936.

On motion, Senate Bill No. 1936, on same subject, was substituted for House Bill No. 1782.

Mr. Turner, C. (Shelby) moved that Senate Bill No. 1936 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1936 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-711 (a), is amended by adding the following new subdivision:

(7) The proceeds of the sale of school supplies and meals to students and school employees on campus by elementary and secondary schools, provided that the proceeds of all sales

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of such items by private independent contractors shall not be deducted.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1936, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 1917--To regulate certain advertising.

Mr. May moved that House Bill No. 1917 be passed on third and final consideration.

Mr. Ellis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1917 by deleting in Section 1 the words "stock sufficient quantities of the lower priced item to satisfy demand" and by inserting instead the words "make available the goods or services advertised".

AND FURTHER AMEND by adding to the end of Section 1 the following sentence: "Provision of accurate factual information shall not be considered disparagement."

AND FURTHER AMEND by deleting in Section 3 (c) the words "The following acts or practices raise a presumption that" and by substituting instead the words "Among acts or practices which will be considered in determining if".

AND FURTHER AMEND by deleting Section 3 (c) (3) in its entirety and by substituting instead the following:

(3) The failure to make available at all outlets listed in the advertisement a sufficient quantity of the advertised goods or services to meet reasonably expectable public demand, unless the advertisement clearly and conspicuously discloses that the availability of a particular good is limited and/or the goods or services are available only at designated outlets, or unless the advertisement discloses that a particular good is to be closed out or offered for a limited time. In the event of an inadequate inventory, issuing of "rain checks" for goods or offering comparable or better goods at the sale price may be considered a good faith effort to make the advertised goods available, unless there is a pattern of inadequate inventory or unless the inadequate inventory was intentional. If rainchecks are offered, the goods must be delivered within a reasonable time.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1917, as amended, passed its third and final consideration by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 1959--To regulate cooperative purchase clubs.

Mr. May moved that House Bill No. 1959 be passed on third and final consideration.

Mr. Ellis moved to amend as follows:

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AMENDMENT NO. 1

Amend House Bill No. 1959 by deleting from Section 1 the second unnumbered section in its entirety and substituting instead the following:

SECTION ____.

(a) Any person who has elected to become a member of a club may cancel such membership by giving written notice any time before midnight of the third business day following the date on which membership was attained, subject to the provisions in the following section of this act. Such cancellation shall be without liability on the part of the member and shall entitle the member to a refund of the entire consideration paid for the contract.

(b) Notice of cancellation must be in writing and delivered personally or by mail. If given by mail, the notice is effective upon deposit in a mailbox, properly addressed and postage paid. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the member not to be bound by the contract. If delivered personally, the notice is to be accepted by any agent or employee of the club, and a receipt for the notice must be given by that agent or employee to the person cancelling.

(c) The entitled refund shall be delivered to the member within fourteen (14) days after notice of cancellation is given.

(d) Rights of cancellation may not be waived or otherwise surrendered.

(e) Cancellation shall not relieve the member from paying for any merchandise or services purchased or ordered prior to the date of cancellation.

AND FURTHER AMEND subsection (a) of the third unnumbered section in Section 1 by inserting between the words and punctuation "(14) points," and the words and punctuation "the following:" the words "in immediate proximity to the space reserved for the signature of the buyer,".

AND FURTHER AMEND subsection (a) of the third unnumbered section in Section 1 by deleting the word "fifth" and substituting instead the word "third".

AND FURTHER AMEND subsection (a) of the third unnumbered section in Section 1 by deleting the language "Other cancellation entitles you to a pro rata refund for those days remaining on the contract."

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AND FURTHER AMEND subsection (a) of the third unnumbered section in Section 1 by deleting the words "ten (10)" and inserting instead the words "fourteen (14)".

AND FURTHER AMEND by deleting from Section 1 subsection (a) of the fourth unnumbered section in its entirety and by inserting instead the following:

SECTION ____.

(a) Every contract shall provide that if any goods, except furniture or custom manufactured goods, ordered by the member from the buying club, are not delivered to the member or available for pickup by the member at the location where the order was placed within six (6) weeks from the date the member placed an order for such goods, then any payment by the member for such goods in advance of delivery shall, upon the member's request, be fully refunded, unless a predetermined delivery date has been furnished to the member in writing at the time he or she ordered such goods and the goods are delivered to the member or available for pickup by that date. Every contract must disclose that delivery dates for furniture or custom manufactured goods cannot be predicted, if such is the case.

AND FURTHER AMEND Section 1 by inserting in subsection (b) of the fourth unnumbered section, between the words "are made" and the words "and with" the words "if the same or comparable items are offered for sale in the trade area" and by inserting after the words "actually sold" and the punctuation the words "or offered for sale".

AND FURTHER AMEND Section 1 by adding to the end of the fifth unnumbered section the following language:

"No contract shall contain an automatic renewal clause; provided, however, that such an agreement may provide for the buyer to exercise a renewal."

AND FURTHER AMEND Section 1 by deleting subsection (a) (4) of the seventh unnumbered section in its entirety and by substituting instead the following:

(4) a list of the categories of merchandise which are available to buyers from cooperating suppliers. If the list includes savings claims based on reference prices, the reference prices must be those at which the same or comparable goods are offered or sold in the trade area.

AND FURTHER AMEND Section 1 by deleting, from subsection (b) of the seventh unnumbered section, subdivision (1) and by renumbering subsequent subdivisions accordingly.

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AND FURTHER AMEND Section 1 by inserting in subdivision (b)(6) of the seventh unnumbered section between the word "true" and the punctuation the words "at the time the representation is made".

AND FURTHER AMEND Section 1 by inserting in subdivision (b)(6) of the seventh unnumbered section between the words "merchandise at" and the word "cost" the word "supplier's".

AND FURTHER AMEND the ninth unnumbered section of Section 1 by inserting between the words "trade or commerce" and the period the words "and subject to the penalties and remedies as provided by that act".

AND FURTHER AMEND Section 2 by deleting the words "upon becoming law" and by substituting instead the words "July 1, 1986".

On motion, the amendment was adopted.

Mr. May moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1959 by deleting the present Section 2 in its entirety and substituting in lieu thereof a new Section 2 as follows:

This act shall take effect on July 1, 1986, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1959, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

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House Bill No. 1523--To provide for employment of illegal aliens, certain purposes.

Mr. Crain moved that House Bill No. 1523 be passed on third and final consideration.

Mr. Crain moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1523 by deleting Section 1 and Section 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 50-1-103(a) is amended by inserting the words and punctuation ", unless granted an exemption by the department of Labor pursuant to its rulemaking authority," between the words "person" and "to".

Section 2. Tennessee Code Annotated, Section 50-1-103(e) is amended by inserting the following language at the end of the subsection:

The department of labor is authorized to promulgate rules and regulations pursuant to Title 4, Chapter 5, to effectuate the purposes of this act. The commissioner of agriculture shall approve all proposed rules and regulations relative to agriculture before promulgation by the department. For the purposes of this law, a nursery is considered an agricultural employer.

Section 3. Tennessee Code Annotated, Section 50-1-103, is amended by adding the following subsection:

(f) If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1523, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	8
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg,

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Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Chiles, Ellis, Henry, McCroskey, Nance, Severance, Shirley and Ussery--8.

Representative present and not voting was: Dixon--1.

A motion to reconsider was tabled.

Mr. Kernell moved that House Bill No. 1422 be placed on the Calendar for the last available calendar, which motion prevailed.

House Bill No. 1418--To provide safety regulations, certain motor vehicles.

On motion, House Bill No. 1418 was made to conform with Senate Bill No. 1427.

On motion, Senate Bill No. 1427, on same subject, was substituted for House Bill No. 1418.

Mr. Wheeler moved that Senate Bill No. 1427 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery,

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Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representative voting no was: Duer--1.

Representative present and not voting was: Ellis--1.

A motion to reconsider was tabled.

House Bill No. 1951--To provide for certain fees, Public Service Commission.

Mr. Wheeler moved that House Bill No. 1951 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1951 by deleting Section 4 and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 65-3-201, is amended by deleting the words, figure and symbol "one cent (1¢)" wherever they appear and by substituting instead the words, figure and symbol "Three cents (3¢)".

AND FURTHER AMEND by deleting Section 5 and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 65-4-303, is amended by deleting the words, figure and symbol "seventy-five cents (75¢)" and by substituting instead the words, figures and symbol "one dollar and fifty cents" (\$1.50).

On motion, the amendment was adopted.

Thereupon, House Bill No. 1951, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway,

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Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representative present and not voting was: Duer--1.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 2026--To enact Transportation Improvement Act.

Mr. Jared moved that House Bill No. 2026 be passed on third and final consideration.

Mr. Copeland questioned whether the bill was properly before the House.

Mr. Speaker McWherter stated that House Bill No. 2026 was properly before the House.

Mr. Copeland contended that there was not a proper suspension motion for House Rule No. 77 for purposes of bringing House Bill No. 2026 to the floor.

Mr. Speaker McWherter ruled that the bill is proper, and that Rule No. 77 was suspended.

Mr. Copeland objected.

Mr. Copeland moved that House Bill No. 2026 be moved to the next available Calendar.

Mr. Jared moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	59
Noes	35
Present and not voting	1

Representatives voting aye were: Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Drew, Duer, Frensley, Gaia, Garrett, Gill, Hawkins, Henry, Hillis, Hurley, Huskey, Jared, Kent, Kernell, King, Love, May, McNally, Montgomery, Moore, Murphy, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Swann, Tankersley, Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wood, Work and Mr. Speaker McWherter--59.

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Representatives voting no were: Bell, Bewley, Bivens, Chiles, Copeland, Crain, Curlee, Darnell, Davis (Knox), Dills, Ellis, Gafford, Harrill, Hassell, Hobbs, Ivy, Kisber, Lawson, McAfee, McCroskey, Miller, Moody, Murray, Nance, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Wix and Wolfe--35.

Representative present and not voting was: DeBerry--1.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2026 by deleting all references to "Bicentennial Parkways", "parkways", or other similiar language and substituting instead appropriate references to "State Highways" or "highways".

AND FURTHER AMEND by adding a new section thereto, to be appropriately numbered, as follows:

SECTION _____. During the 1986-1987 fiscal year, the funds generated under the provisions of this act shall be used only for the projects specified in the February 25, 1986 and March 21, 1986 Proposed Fiscal Year 1986-87 Transportation Improvement Plan and Additional Construction Projects. No projects shall be deleted from this plan without the approval of the speakers of the House of Representatives and the Senate.

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 2026 by deleting all references to "Bicentennial Parkways", "Parkways", or other similar language and substituting instead appropriate references to "State Highways" or "highways".

AND FURTHER AMEND by adding a new section thereto, to be appropriately numbered, as follows:

SECTION _____. During the 1986-1987 fiscal year, the funds generated under the provisions of this act shall be used only for the projects specified in the March 25, 1986 Proposed Fiscal Year 1986-87 Transportation Improvement Plan and Additional Construction Projects. No projects shall be deleted from this plan without the approval of the speakers of the House of Representatives and the Senate.

On motion, the amendment was adopted.

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Mr. Buck moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 2026 by adding a new section, as follows, to be appropriately designated:

SECTION _____. In addition to the other projects included in the March 25, 1986 Transportation Improvement Plan, there shall be included in the Cannon County SR-1 (US-70S) SR-64 to Woodbury bridge construction project described therein the widening of SR-1 to four (4) lanes from Woodbury to the Rutherford County line, and in the Smith County SR-25 Carthage ByPass right-of-way project described therein necessary bridge design.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 2026 by deleting the words and figures "--cents (\$.XX)" in the original Section 2 and by substituting instead the words and figures "fifteen cents (\$.15)".

AND FURTHER AMEND by deleting the words and figures "--cents (\$.xx)" in the original Section 3 and by substituting instead the words and figures "eleven cents (\$.11)".

AND FURTHER AMEND by deleting the words and figures "--cents (\$.xx)" in the original Section 5 and by substituting instead the words and figures "fifteen cents (\$.15)".

AND FURTHER AMEND by deleting the words and figures "--cents (\$.xx)" in the original Section 6 and by substituting instead the words and figures "eleven cents (\$.11)".

AND FURTHER AMEND by deleting the words and figures "--cents (\$.xx)" in the amendatory language of the original Section 8 and by substituting instead the words and figures "fifteen cents (\$.15)".

AND FURTHER AMEND by deleting the words and figures "--cents (\$.xx)" in the original Section 9 and by substituting instead the words and figures "twelve cents (\$.12)".

AND FURTHER AMEND by deleting the words and figures "--cents (\$.xx)" in the original Section 11 and by substituting instead the words and figures "twelve cents (\$.12)".

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

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AMENDMENT NO. 5

Amend House Bill No. 2026 by deleting the preamble in its entirety.

AND FURTHER AMEND by adding the following new section immediately preceding the original Section 14 and by renumbering subsequent sections accordingly:

Section _____. The projects listed in the memorandum dated April 1, 1986 from Commissioner Dale Kelley to Senator Henry, Senator Darnell, Representative Bragg and Representative Robinson shall constitute and comprise the projects to be completed no later than the end of the 1998-1999 fiscal year, and the provisions of such memorandum are hereby incorporated herein by reference. No project shall be deleted or changed from such memorandum without the approval of the Speaker of the Senate and the Speaker of the House of Representatives.

On motion, the amendment was adopted.

Mr. Clark (Davidson) moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 2026 by adding the following as a new section to precede the effective date clause, and by appropriately renumbering all subsequent sections accordingly:

Section _____. In addition to any performance bond required under state law, any general contractor constructing roads authorized by this act shall warrant for six (6) years from the date of completion that such work has been performed in a workman-like manner.

On motion, the amendment was adopted.

Mr. Tankersley moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 2026 by deleting from the first preamble clause the following phrase: "1. Interstate 155 Extension" and by substituting instead the following:

1. Interstate 155 Extension from the south end of the Dyersburg Bypass near SR-412 (US 20) to I-40 near Jackson

Mr. Davis (Gibson) moved that Amendment No. 7 be tabled, which motion failed by the following vote:

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Ayes	15
Noes	56
Present and not voting	20

Representatives voting aye were: Clark (Davidson), Davis (Gibson), Frensley, Gafford, Hassell, Hawkins, Hillis, Hobbs, Jared, Moody, Murray, Robinson (Hamilton), Starnes, Turner (Hamilton) and Turner, C. (Shelby)--15.

Representatives voting no were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Copeland, Crain, Darnell, Davidson, Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Gaia, Gill, Harrill, Hurley, Huskey, Kent, Kernell, King, Kisber, Love, May, McCroskey, McNally, Miller, Moore, Naifeh, Nance, Peroulas, Phillips, Pruitt, Rhinehart, Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner, L. (Shelby), Ussery, Whitson, Williams, Winningham, Wolfe, Wood, Work and Yelton--56.

Representatives present and not voting were: Bivens, Cobb, Collier, Covington, Cross, Curlee, Ellis, Henry, Ivy, Lawson, Montgomery, Napier, Patterson, Ridgeway, Robinson (Washington), Tanner, Webb, West, Wix and Mr. Speaker McWherter--20.

Mr. Kisber moved the previous question on the amendment, which motion prevailed by the following vote:

Ayes	73
Noes	7
Present and not voting	9

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Cross, Darnell, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hawkins, Hillis, Hurley, Huskey, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Naifeh, Nance, Peroulas, Phillips, Pruitt, Rhinehart, Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--73.

Representatives voting no were: Buck, Crain, Davis (Gibson), Hobbs, Lawson, Moore and Murray--7.

Representatives present and not voting were: Brewer, Curlee, Henry, Ivy, Napier, Patterson, Ridgeway, Tanner and Mr. Speaker McWherter--9.

Thereupon, Amendment No. 7 was adopted by the following vote:

Ayes	72
Noes	4
Present and not voting	20

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Darnell, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hawkins, Hillis, Hurley, Huskey, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Nance, Peroulas, Phillips, Pruitt, Rhinehart, Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, L. (Shelby), Ussery, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work and Yelton--72.

Representatives voting no were: Davis (Gibson), Hobbs, Murray and Turner, C. (Shelby)--4.

Representatives present and not voting were: Collier, Cross, Curlee, DePriest, Ellis, Henry, Ivy, Lawson, Miller, Naifeh, Napier, Patterson, Ridgeway, Robinson (Hamilton), Robinson (Washington), Tanner, Webb, West, Wix and Mr. Speaker McWherter--20.

Mr. Davis (Gibson) moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 2026 by deleting the provision:

I. Interstate 155 Extension from the south end of Dyersburg Bypass near SR-412 (U.S. 20) to I-40 near Jackson

and substituting the provision:

I. Interstate 155 Extension on a route to be determined by the commissioner of transportation after public hearings and feasibility studies through either Dyer, Gibson and Madison counties or through Dyer, Crockett and Madison counties.

Mr. Kisber moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes	35
Noes	23
Present and not voting	26

Representatives voting aye were: Bell, Bewley, Bragg, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Darnell, DeBerry, Dills, Dixon, Gaia, Jared, Kent, Kernell, King, Kisber, Love, McCroskey, McNally, Naifeh, Nance, Phillips, Pruitt, Rhinehart, Shirley, Stallings, Swann, Tankersley, Ussery, Webb, Wheeler, Williams and Yelton--35.

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Representatives voting no were: Buck, Crain, Davis (Gibson), Davis (Knox), Drew, Duer, Gafford, Hassell, Hawkins, Henry, Hobbs, Hurley, Lawson, Montgomery, Moore, Murray, Patterson, Peroulas, Robinson (Hamilton), Scruggs, Starnes, Turner, C. (Shelby) and Mr. Speaker McWherter--23.

Representatives present and not voting were: Bivens, Brewer, Clark (Davidson), Collier, Cross, Curlee, Davidson, Ellis, Frensley, Hillis, Huskey, Ivy, May, Miller, Napier, Ridgeway, Robinson (Washington), Severance, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), West, Whitson, Wix, Wolfe and Wood--26.

Mr. Bell moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 2026 by adding to the appropriate section the following language:

If Fessler's Lane is extended to Donelson Pike, it shall be further extended to the Mt. Juliet exit off I-40.

Mr. Jared moved that the Amendment No. 9 be tabled, which motion prevailed.

Mr. Bell moved that House Bill No. 2026 be moved to the next available Calendar.

Mr. Jared moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	56
Noes	29
Present and not voting	4

Representatives voting aye were: Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Davidson, Davis (Cocke), DeBerry, Drew, Duer, Frensley, Gaia, Harrill, Hassell, Hawkins, Henry, Hillis, Hurley, Huskey, Jared, Kent, King, Kisber, Love, May, McCroskey, McNally, Montgomery, Moore, Naifeh, Napier, Patterson, Phillips, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work and Mr. Speaker McWherter--56.

Representatives voting no were: Bell, Bivens, Copeland, Crain, Cross, Curlee, Darnell, Davis (Gibson), Davis (Knox), Gafford, Gill, Ivy, Lawson, McAfee, Miller, Moody, Murphy, Murray, Nance, Peroulas, Shirley, Stallings, Tanner, Turner, (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wix and Yelton--29.

Representatives present and not voting were: Ellis, Hobbs, Pruitt and Robinson (Hamilton)--4.

Mr. Bivens moved that House Bill No. 2026 be re-referred to the Committee on Commerce.

Mr. Burnett moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	60
Noes	31
Present and not voting	2

Representatives voting aye were: Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Davidson, Davis (Cocke), Dixon, Drew, Duer, Frensley, Gaia, Garrett, Hawkins, Henry, Hillis, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, May, McCroskey, McNally, Montgomery, Moore, Murphy, Naifeh, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--60.

Representatives voting no were: Bell, Bivens, Copeland, Crain, Cross, Curlee, Darnell, Davis (Gibson), Davis (Knox), Ellis, Gafford, Harrill, Hobbs, Kernell, Lawson, McAfee, Miller, Moody, Murray, Nance, Pruitt, Robinso (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner, (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West and Wix--31.

Representatives present and not voting were: DePriest and Love --2.

Mr. McNally moved the previous question, which motion prevailed by the following vote:

Ayes	70
Noes	15
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Duer, Frensley, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, King, Kisber, Love, May, McAfee, McCroskey, McNally, Montgomery, Murphy, Murray, Naifeh, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Tanner, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Work and Mr. Speaker McWherter--70.

Representatives voting no were: Bivens, Crain, DePriest, Ellis, Gafford, Harrill, Jones, Lawson, Moody, Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby) and Yelton--15.

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Representatives present and not voting were: Brewer and Kernell--2.

Thereupon, House Bill No. 2026, as amended, passed its third and final consideration by the following vote:

Ayes	55
Noes	42
Present and not voting	1

Representatives voting aye were: Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, May, McCroskey, McNally, Montgomery, Moore, Naifeh, Napier, Patterson, Phillips, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Stafford, Swann, Tankersley, Ussery, Wheeler, Whitson, Williams, Winningham, Wolfe, Work and Mr. Speaker McWherter--55.

Representatives voting no were: Bell, Bewley, Bivens, Chiles, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davis (Knox), DeBerry, Ellis, Gill, Harrill, Hassell, Kernell, Lawson, Love, McAfee, Miller, Moody, Murphy, Murray, Nance, Peroulas, Pruitt, Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wix, Wood and Yelton--42.

Representative present and not voting was: Dixon--1.

A motion to reconsider was tabled.

House Bill No. 1653--To authorize bond issue, highway construction.

Mr. Scruggs moved that House Bill No. 1653 be passed on third and final consideration.

Mr. Ridgeway moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1653 by deleting from Section 1 as amended the words and figures "One Hundred Fifty Million Dollars (\$150,000,000.00)" and by substituting instead the words and figures "One Hundred Ninety Million dollars (\$190,000,000.00)".

AND FURTHER AMEND by deleting in its entirety the amended Section 4 and by substituting instead a new Section 4 to read:

"Section 4. The proceeds of any and all issues of bonds herein authorized shall be allocated to the department of Transportation for the purpose and the amounts hereinafter specified.

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1. One Hundred Fifty Million Dollars (\$150,000,000.00) to finance the construction of parkways and priority highway projects.

2. Forty Million Dollars (\$40,000,000.00) to construct on U.S. 79 (State Route 76) a bridge and approaches over Kentucky Lake at Paris Landing."

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1653 by deleting all references to "Bicentennial Parkway", "parkways", or other similar language and substituting instead the appropriate references to "State Highways" or "highways".

AND FURTHER AMEND by adding a new section thereto, to be appropriately numbered, as follows:

SECTION _____. During the 1986-1987 fiscal year, the funds generated under the provisions of this act shall be used only for the projects specified in the March 25, 1986 Proposed Fiscal Year 1986-87 Transportation Improvement Plan and additional Construction Projects. No projects shall be deleted from this plan without the approval of the speakers of the House of Representatives and the Senate.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1653 by adding a new section, as follows, immediately before the effective date section and renumbering that section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1653, as amended, passed its third and final consideration by the following vote:

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Ayes	67
Noes	20
Present and not voting	4

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensey, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, May, McCroskey, McNally, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Phillips, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Stafford, Swann, Tankersley, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wolfe, Work, and Mr. Speaker McWherter--67.

Representatives voting no were: Bewley, Chiles, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davis (Knox), Lawson, McAfee, Peroulas, Severance, Shirley, Stallings, Tanner, Turner (Hamilton), Turner, C. (Shelby), Wood and Yelton--20.

Representatives present and not voting were: Love, Miller, Robinson (Hamilton) and Starnes--4.

A motion to reconsider was tabled.

House Bill No. 1762--To prohibit obtaining alcoholic beverages by false statement.

Ms. Montgomery moved that House Bill No. 1762 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1762 by deleting the word "July" and substituting in the word "August".

On motion, the amendment was adopted.

Ms. Montgomery moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1762 by deleting the words "which fine" from the first sentence of the amendatory language of Section 1 designated as (B) (i), the amendatory language of Section 2 designated as (c)(1), and the amendatory language of Section 3 designated as (3) (A), and by substituting instead the following language in each of the three sections:

or not less than twenty (20) hours of community service work, which fine or penalty

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On motion, the amendment was adopted.

Thereupon, House Bill No. 1762, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

Mr. Turner, C. (Shelby) moved that House Bill No. 1553 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1221--To revise fees under Medical Laboratory Act.

On motion, House Bill No. 1221 was made to conform with Senate Bill No. 1259.

On motion, Senate Bill No. 1259, on same subject, was substituted for House Bill No. 1221.

Mr. Wheeler moved that Senate Bill No. 1259 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings,

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Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 1960--To revise Comprehensive Education Reform Act.

On motion, House Bill No. 1960 was made to conform with Senate Bill No. 1965.

On motion, Senate Bill No. 1965, on same subject, was substituted for House Bill No. 1960.

Mr. Cobb moved that Senate Bill No. 1965 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1965 by adding the following new section thereto:

"() All conversions of raw scores are hereby prohibited except where necessary to insure fairness and maintain standards. The board of Education shall determine which conversions are essential to insure that all teachers are treated fairly and that standards are maintained from year to year and from one area of the state to another."

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1965 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION ____ . Tennessee Code Annotated, Section 49-5-5204, is amended by adding a new subsection to read as follows:

"() Original scores derived from any instrument used in the evaluation process shall not be changed or altered by use of curves, conversion scales, or other methods to modify the result of raw data compiled from such instruments. Nothing in this section is intended to restrict the assigning of relative values to the assessed domains and indicators of competence and to the data sources or the transposition of raw data in one meter to its equivalent in a different meter."

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The relative values of domains and indicators of competence and data sources, meters in which raw data shall be collected, data transposition methods, appropriate data equivalents, and career level score standards including the meter in which scores will be reported shall be published and distributed to educators on or before September 30, of each school year, for evaluation systems which have been in place or implemented for one calendar year. Such data for systems that have been implemented less than one calendar year shall be published and distributed at least thirty days prior to their use.

For the purpose of fairness to all educators, standards shall remain the same unless changed by the State Board of Education, upon recommendation of the State Certification Commission."

Mr. Cobb moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	41
Noes	55
Present and not voting	1

Representatives voting aye were: Bewley, Bivens, Bragg, Byrd, Chiles, Clark (Sumner), Cobb, Darnell, Davis (Knox), Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Jared, May, McCroskey, McNally, Montgomery, Moody, Moore, Patterson, Peroulas, Pruitt, Robinson (Davidson), Robinson (Washington), Scruggs, Stafford, Swann, Tankersley, Webb, Wheeler, Whitson, Williams, Wolfe and Wood--41.

Representatives voting no were: Bell, Brewer, Buck, Clark (Davidson), Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Murphy, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Ussery, West, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--55.

Representative present and not voting was: Turner, L. (Shelby) --1.

Thereupon, Amendment No. 2 was adopted by the following vote:

Ayes	58
Noes	40

Representatives voting aye were: Bell, Bivens, Brewer, Buck, Burnett, Clark (Davidson), Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest,

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Dills, Dixon, Ellis, Gaia, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Love, McAfee, Miller, Murphy, Murray, Naifeh, Napier, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--58.

Representatives voting no were: Bewley, Bragg, Byrd, Chiles, Clark (Sumner), Cobb, Darnell, Davis (Knox), Drew, Duer, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Lawson, May, McCroskey, McNally, Montgomery, Moody, Moore, Nance, Patterson, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Turner, L. (Shelby), Webb, Whitson, Williams, Wolfe and Wood--40.

Mr. Cobb moved that Senate Bill No. 1965 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1955--To make certain provisions, cost of care, aged.

Mr. Dixon moved that House Bill No. 1955 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1955 by deleting Section 1 in its entirety and by substituting in lieu thereof the following:

Section 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 3, is amended by adding a new section thereto as follows:

Section _____. Institutional Homes for the Aged and Residential Homes for the Aged -

(a) Notwithstanding the provisions of this part, the maximum reimbursable per diem cost of institutional homes for the aged and residential homes for the aged shall be nine dollars (\$9.00).

Such cost reduced by patient income or other resources available to the aged client shall be reimbursed by the State Department of Health and Environment within the limitations set forth in subsection (c).

(b) For purposes of this section, "Institutional Home for the Aged" and "Residential Home for the Aged" shall mean a home represented and held out to the general public as a home which accepts aged persons for relatively permanent domiciliary care; which provides

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room, board and personal services to one or more non-related persons, and which meets the licensure standards established by the Department of Health and Environment for "Institutional Home for the Aged" or "Residential Home for the Aged".

(c) The number of beds for which the Department of Health and Environment shall make payment shall not exceed 3,576 for the 1986-87 fiscal year.

The annual growth in the number of beds for which the Department of Health and Environment shall make payment in years subsequent to 1986-87 shall not exceed ten percent (10%) of the base 1986-87 year.

The Department of Health and Environment shall develop rules and regulations to limit the number of beds for which the state will make payment as set forth in this section.

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1955 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The implementation of the provisions of this act and the expenditure of any funds to implement such provisions shall be subject to the approval of the commissioner of finance and administration.

On motion, the amendment was adopted.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1955 by replacing the period at the end of the amended subsection (a) of Section 1 with a comma, and by adding the following new clause, immediately after the word and letter "subsection (c)":

provided, however, that any such costs reimbursed under the provisions of this act in any county to the benefit of any home for the aged located therein shall be deducted in equal amount from any tax proceeds due that county under the provisions of Section 9-6-301.

Mr. Dixon moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

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Ayes 47
Noes 45

Representatives voting aye were: Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hillis, Ivy, Jones, Kernell, King, Kisber, Love, Murphy, Naifeh, Napier, Patterson, Pruitt, Robinson (Davidson), Robinson (Hamilton), Stallings, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Wix, Work, Yelton and Mr. Speaker McWherter--47.

Representatives voting no were: Bell, Bewley, Bragg, Chiles, Clark (Sumner), Collier, Copeland, Cross, Davis (Cocke), Davis (Knox), Duer, Frensley, Gafford, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Jared, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Nance, Peroulas, Rhinehart, Robinson (Washington), Scrugs, Severance, Shirley, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--45.

Thereupon, House Bill No. 1955, as amended, passed its third and final consideration by the following vote:

Ayes 56
Noes 40
Present and not voting 1

Representatives voting aye were: Bell, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Ivy, Jared, Jones, Kernell, King, Kisber, Love, Miller, Murphy, Murray, Naifeh, Nance, Patterson, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--56.

Representatives voting no were: Bewley, Bragg, Chiles, Clark (Sumner), Copeland, Cross, Curlee, Darnell, Davis (Cocke), Davis (Knox), Duer, Frensley, Gafford, Harrill, Hawkins, Henry, Hobbs, Hurley, Huskey, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Napier, Peroulas, Rhinehart, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--40.

Representative present and not voting was: Shirley--1.

A motion to reconsider was tabled.

House Bill No. 1854--To enact District Attorneys General Fiscal Affairs Act.

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On motion, House Bill No. 1854 was made to conform with Senate Bill No. 1818.

On motion, Senate Bill No. 1818, on same subject, was substituted for House Bill No. 1854.

Mr. Burnett moved that Senate Bill No. 1818 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

Mr. Starnes moved that House Bill No. 1650 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1930--To regulate campaign financial disclosure.

On motion, House Bill No. 1930 was made to conform with Senate Bill No. 1917.

On motion, Senate Bill No. 1917, on same subject, was substituted for House Bill No. 1930.

Mr. Naifeh moved that Senate Bill No. 1917 be passed on third and final consideration.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1917 by deleting from subsection (b) of the amendatory section added by Section 1 the words and figures "hundred dollars (\$100)" and substituting instead the words and figures "thousand dollars (\$1000)".

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On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1917, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1419--To make certain provisions, real estate brokers.

On motion, House Bill No. 1419 was made to conform with Senate Bill No. 1517.

On motion, Senate Bill No. 1517, on same subject, was substituted for House Bill No. 1419.

Mr. Wheeler moved that Senate Bill No. 1517 be passed on third and final consideration.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1517 by deleting Sections 1, 2, 3, and 4 in their entirety and renumbering the subsequent sections accordingly.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1517, as amended, passed its third and final consideration by the following vote:

Ayes	98
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Representative voting no was: Shirley--1.

A motion to reconsider was tabled.

House Bill No. 1837--To make provisions, mentally incompetent juveniles.

On motion, House Bill No. 1837 was made to conform with Senate Bill No. 1829.

On motion, Senate Bill No. 1829, on same subject, was substituted for House Bill No. 1837.

Ms. Gaia moved that Senate Bill No. 1829 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1829 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The implementation of the provisions of this act and the expenditure of any funds to implement such provisions shall be subject to the approval of the commissioner of finance and administration.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1829, as amended, passed its third and final consideration by the following vote:

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Ayes 97
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 1598--To authorize certain payroll deductions, municipal employees.

Mr. King moved that House Bill No. 1598 be passed on third and final consideration.

Mr. Tankersley moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1598 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties have a population of:

nor less than	nor more than
21,325	21,425
12,725	12,825
74,500	74,600

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Henry moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1598 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties have a population of:

nor less than	nor more than
77,700	77,800
48,400	48,500
49,275	49,375
22,277	22,350
16,700	16,800
31,200	31,300
22,500	22,600
28,500	28,560
28,690	28,750
13,600	13,610

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Burnett moved the previous question, which motion prevailed by the following vote:

Ayes	62
Noes	27
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, King, Kisber, Love, May, Miller, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Wix and Work--62.

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Representatives voting no were: Bewley, Drew, Duer, Frensley, Gafford, Harrill, Hawkins, Henry, Lawson, McAfee, McCroskey, McNally, Montgomery, Moody, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Ussery, Webb, Whitson, Williams, Wolfe and Wood--27.

Representative present and not voting was: Patterson--1.

Thereupon, House Bill No. 1598, as amended, passed its third and final consideration by the following vote:

Ayes	66
Noes	29

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, Miller, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--66.

Representatives voting no were: Bewley, Chiles, Copeland, Crain, Curlee, Davis (Knox), Duer, Frensley, Harrill, Hassell, Hawkins, Henry, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Nance, Robinson (Washington), Scruggs, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--29.

A motion to reconsider was tabled.

House Bill No. 1442--To allow consumption of alcoholic beverages, certain museums.

On motion, House Bill No. 1442 was made to conform with Senate Bill No. 2047.

On motion, Senate Bill No. 2047, on same subject, was substituted for House Bill No. 1442.

Mr. Brewer moved that Senate Bill No. 2047 be passed on third and final consideration.

Mr. Kernell moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2047 by adding the following language at the end of the amendatory language of Section 1:

No such wine, alcoholic beverage or malt beverages shall be served during the regular operating hours where the institution is open to the general public unless a special event is scheduled for fund raising purposes which is by invitation or for which an admission is charged for such event.

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 2:

No such wine, alcoholic beverages or malt beverages shall be served during the regular operating hours where the museum is open to the general public unless a special event is scheduled for fund raising purposes which is by invitation or for which an admission is charged for such event.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2047, as amended, failed to receive a constitutional majority by the following vote:

Ayes	32
Noes	54
Present and not voting	4

Representatives voting aye were: Bell, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Collier, Covington, Darnell, DeBerry, Dixon, Ellis, Gaia, Garrett, Jones, Kernell, King, Kisber, Love, McNally, Moore, Murphy, Murray, Naifeh, Patterson, Robinson (Davidson), Tanner, Turner, L. (Shelby), Ussery, West and Williams --32.

Representatives voting no were: Bewley, Byrd, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Dills, Drew, Duer, Frensley, Gafford, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Lawson, McAfee, McCroskey, Miller, Moody, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Webb, Whitson, Wolfe, Wood and Work--54.

Representatives present and not voting were: Pruitt, Robinson (Hamilton), Wheeler and Yelton--4.

Under the rules, Senate Bill No. 2047 was referred to the Committee on Calendar and Rules.

House Bill No. 1710--To amend Natural Resources Trust Fund Act.

On motion, House Bill No. 1710 was made to conform with Senate Bill No. 1825.

On motion, Senate Bill No. 1825, on same subject, was substituted for House Bill No. 1710.

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Mr. Chiles moved that Senate Bill No. 1825 be passed on third and final consideration.

Mr. Chiles moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1825 by placing a semi colon after the word "Tennessee" in the amendatory language of Section 1 and by deleting the remainder of the language.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1825, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Mr. Murphy moved that House Bill No. 1851 be placed on the heel of the Calendar for Wednesday, April 9, 1986, which motion prevailed.

Mr. Starnes moved that House Bill No. 1644 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1205, 1623, 1668 and 2011; and House Joint Resolutions Nos. 684, 700 and 701; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills No. 1307, 2012, 2018, 2054, 2055, 2058 and 2062; and House Joint Resolutions Nos. 546, 600, 619, 664, 665 and 666; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1341--To provide for meetings, motor vehicle commission;

1560--To regulate payment, certain education funds;

1668--To amend Section 4-21-101 (1), Code;

1693--To enable Student Assistance Corporation to name scholarships; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

486--Relative to designating the "Lamar Alexander Parkway";

567--Relative to naming new Thompson Lane underpass;

584--Relative to designating the Freed-Hardeman College Highway;

626--Relative to honoring Dr. Byron G. Ragsdale;

629--Relative to congratulating Brentwood High School marching band;

630--Relative to honoring Mayor Archie Lloyd;

631--Relative to honoring Tish Hooker;

632--Relative to commending Interim Certification Commission;

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661--Relative to congratulating Representative Cotton Ivy, 4-H Alumni Award; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1942--To regulate use, telephone equipment;

2002--To regulate Kenton Special School District;

2042--To fix qualifications, chief administrative officer, certain county; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

319--Relative to sympathy, Dr. Amos Christie;

321--Relative to honoring Cedar Bluff Intermediate School;

322--Relative to sympathy, Joe Frank Hudgens;

323--Relative to recognizing Public Education Promoter Day; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1222, 1523, 1762, 1787, 1881, 1917, 1951, 1959 and 1962; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1172--To require proof of financial responsibility, certain traffic offenses;

1244--To continue Department of Labor;

2053--To regulate Kenton Special School District; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

329--Relative to honoring Marshall Powell Ledbetter, Sr.; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1290--To regulate elections, registrars-at-large.

The Senate nonconcurred in House Amendments Nos. 1, 6 and 7.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Burnett moved that the rules be suspended for immediate consideration of Senate Bill No. 1290, which motion prevailed.

Senate Bill No. 1290--To regulate elections, registrars-at-large.

Mr. Burnett moved that the House refuse to recede from its action in adopting Amendments Nos. 1, 6 and 7 to Senate Bill No. 1290, which motion prevailed.

Mr. Speaker McWherter resumed the Chair.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1653

House Bill No. 1653--To authorize bond issue, highway construction.

Mr. Scruggs moved that the motion to reconsider House Bill No. 1653 be lifted from the table, which motion prevailed.

Mr. Scruggs moved that the House reconsider its action in passing House Bill No. 1653 on third and final consideration, as amended, which motion prevailed.

Mr. Scruggs moved that the House reconsider its action adopting Amendment No. 1 which motion prevailed.

Mr. Scruggs moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 in the first and second lines by deleting the words and figures "One Hundred Fifty Million Dollars (\$150,000,000.00)" and by substituting the words and figures "Three Hundred Sixty-One Million Five Hundred Thousand Dollars (\$361,500,000.00)".

AND FURTHER AMEND in Section 2 of the bill by deleting the words and figures "thirty (30) years" and substituting the words and figures "twenty (20) years".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Bill No. 1653, as amended, passed its third and final consideration by the following vote:

Ayes	75
Noes	15

Representatives voting aye were: Bell, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Covington, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kent, King, Kisber, Love, May, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Ussery, West, Wheeler, Whitson, Williams, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--75.

Representatives voting no were: Bewley, Chiles, Copeland, Crain, Cross, DeBerry, Harrill, Lawson, McAfee, Shirley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb and Wood--15.

A motion to reconsider was tabled.

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FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 102

House Resolution No. 102--Relative to approving amendments to Rules of Civil Procedure.

Mr. Murphy moved that the motion to reconsider House Resolution No. 102 be lifted from the table, which motion prevailed.

Mr. Murphy moved that the House reconsider its action in adopting House Resolution No. 102, as amended, which motion prevailed.

Mr. Murphy moved that the House reconsider its action in adopting Amendments Nos. 1 and 2, which motion prevailed.

Mr. Murphy moved that Amendments Nos. 1 and 2 be withdrawn, which motion prevailed.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 3

Amend House Resolution No. 102 by deleting the first clause of the preamble in its entirety and by substituting instead the following:

WHEREAS, on January 23, 1986, the Supreme Court of Tennessee, acting pursuant to the provisions contained in Section 16-3-402, et seq., Tennessee Code Annotated, entered an order, and on March 18, 1986, entered a supplemental order promulgating certain amendments and provisions to the Tennessee Rules of Civil Procedure previously promulgated and adopted by the Court and approved by a Resolution of both Houses of the General Assembly, and

AND FURTHER AMEND by deleting the second clause of the preamble in its entirety and by substituting instead the following:

WHEREAS, on January 31, 1986, and March 19, 1986, a certified copy of said orders together with a certified copy of the proposed amendments and revisions to the Tennessee Rules of Civil Procedure, were reported and filed with the General Assembly by the Chief Justice for approval by a Resolution of both houses, and

AND FURTHER AMEND by deleting the resolving clause in its entirety and by substituting instead the following:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that the amendments and revisions to Rules 30.02(4)(A), 30.02(4)(B), 32.01(3)(D), 32.01(3)(E), 45.02(2), 54.04, 59.01, 59.02, 59.03, 59.04, 59.05, and 62.06 of the Tennessee Rules of Civil Procedure as promulgated and adopted by

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the Supreme Court in its order dated January 23, 1986, and in its supplemental order dated March 18, 1986, copies of which were filed with the House Clerk on January 31, 1986, and March 19, 1986, respectively, as aforesaid, are hereby ratified and approved.

On motion, the amendment was adopted.

Thereupon, House Resolution No. 102, as amended, was adopted by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 892--To provide for restoration of voting rights, certain persons.

SENATE AMENDMENT NO. 2

Amend House Bill No. 892 by inserting in the first line of subsection (a) of Section 2 between the words "persons" and "rendered" the following words and punctuation: ", except those persons described in subsection (b) hereof," and

FURTHER AMEND by adding at the end of Section 2 the following new subsection: "(b) Persons rendered infamous or deprived of the right to citizenship by the judgment of any state or federal court by reason of conviction of a crime designated as an infamous crime prior to May 18, 1981 may have their full rights of citizenship restored upon receiving a pardon, except where such pardon contains special conditions pertaining to the right to suffrage."

SENATE AMENDMENT NO. 3

Amend House Bill No. 892 by deleting Section 1 and renumber accordingly.

Mr. Cobb moved that the House non-concur in Senate Amendments Nos. 2 and 3, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1444--To provide for enforcement of tax liens.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1444 by substituting for Section 2 thereof the following:

SECTION 2. Tennessee Code Annotated, Section 67-1-1429 is amended by adding a new subdivision to subsection (a) thereof as follows:

(3) The period for collection provided in subdivision (A) of subsection (a) shall not apply if the tax liability has been reduced to judgment in a suit begun within such period. Such tax may be collected at any time subsequent to assessment without limitation after such judgment.

and further amend by adding a new subsection thereto as follows:

(c) At any time after the expiration of the period specified in subsection (a), the person holding title to the property on which the lien is placed may request the department to release the lien. If the department does not release the lien within sixty (60) days of the request, it shall be liable for court costs in any action to remove the lien.

Mr. Buck moved that the House concur in Senate Amendment No. 1 to House Bill No. 1444, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance,

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Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1744--To make certain provisions, registration plates.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1744 by inserting and adding to the second paragraph of Section 1 the words and figures "third (3rd)" immediately before the words and figures "fourth (4th)" and after the words "deleting the".

AND FURTHER AMEND by deleting the first sentence of the amendatory language of section 3 in its entirety and substituting instead the following new sentences:

Registration plates shall also be debossed in such a manner to require the display of tabs, stickers, or devices on plates to be issued for a private passenger vehicle, which tabs, stickers, or devices shall specify the name of the county of issue. The characters of the name of the county shall in no event be smaller than the characters of the words "Volunteer State" which now appear on registration plates. Such debossed area shall be below of and parallel to the alpha-numerical legend as provided herein.

Mr. Bragg moved that the House concur in Senate Amendment No. 1 to House Bill No. 1744, which motion prevailed by the following vote:

Ayes	90
Noes	6

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

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Representatives voting no were: Buck, Crain, Lawson, Moody, Shirley and Turner, C. (Shelby)--6.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF AMENDED BILL

House Bill No. 1819--To amend Title 47, Chapter 24, Code.

Mr. Wheeler moved that the House reconsider its action in nonconcurring in Senate Amendment No. 1, which motion prevailed.

Mr. Wheeler moved that the House concur in Senate Amendment No. 1 to House Bill No. 1819, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF AMENDED BILL

Senate Bill No. 1857--To require certain provisions, health and accident insurances policies.

Mr. Starnes moved that the motion to reconsider Senate Bill No. 1857 be lifted from the table, which motion prevailed.

Mr. Starnes moved that the House reconsider its action in passing Senate Bill No. 1857 on third and final consideration, as amended, which motion prevailed.

Mr. Starnes moved that the House reconsider its action in adopting Amendment No. 3, which motion prevailed.

Mr. Starnes moved that Amendment No. 3 be withdrawn, which motion prevailed.

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Thereupon, Senate Bill No. 1857, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representative voting no was: Stafford--1.

A motion to reconsider was tabled.

At the request of Mr. Whitson, the following was spread upon the Journal:

MEMORANDUM

TO: Speaker Ned Ray McWherter
Members of the 94th General Assembly

FROM: Representative Zane C. Whitson, Jr.

DATE: April 7, 1986

SUBJECT: House Bill 2000

I would like these remarks concerning House Bill 2000 to be spread on the journal. The Unicoi County legislative body has voted for me to withdraw HB 2000. This bill addressed the water problem between Unicoi County and the city of Jackson City.

The local legislative body of Unicoi County feel that Johnson City and the county of Unicoi can work out the problem. So in good faith that the city of Johnson City will work with Unicoi County to resolve the problem. I am withdrawing HB 2000.

I appreciate the understanding and patience of all the members of the General Assembly in this matter.

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House Bill No. 2000--To authorize severance tax, Unicoi County.

Mr. Whitson moved that House Bill No. 2000 be tabled, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 820--To create Four Lake Regional Industrial Development Authority.

SENATE AMENDMENT NO. 2

Amend House Bill No. 820 in Section 8, subdivision (14) by deleting the second sentence of subdivision (14) in its entirety.

Mr. Bell moved that the House concur in Senate Amendment No. 2 to House Bill No. 820, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1200--To add additional members, Civil Service Merit Board, Shelby County.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1200 by deleting the last two sentences of Section 1 in their entirety.

AND FURTHER AMEND by adding after Section 1 the following new sections and by renumbering the subsequent sections and the internal section reference in Section 3 accordingly:

SECTION 2. Chapter 110 of the Private Acts of 1971 as amended by Chapter 128 of the Private Acts of 1977 is amended by deleting paragraph (a) of Section 2 in its entirety and by substituting instead the following:

"Appointing authority" - The County Mayor of Shelby County.

SECTION 3. Chapter 100 of the Private Acts of 1971 as amended by Chapter 96 of the Private Acts of 1979 and Chapter 292 of the Private Acts of 1980 is amended by deleting Section 4 in its entirety and by substituting instead the following:

SELECTION TO BOARD: TERM: VACANCIES: QUALIFICATIONS OF MEMBERS AND ALTERNATES: REMOVAL OF MEMBERS. As present terms expire, the County Mayor of Shelby County shall appoint the five (5) members and three (3) alternates of the Shelby County Civil Service Merit Board. The appointments shall be confirmed by the county legislative body. Members and alternates appointed as provided herein shall serve a term of three (3) years.

Vacancies on the board caused by the expiration of the terms of its members and three (3) alternates will be filled by election in the same manner as set out in this section for the initial appointment of members and alternates. Any vacancy occurring on the board other than those due to the expiration shall be filled for the unexpired term by a majority vote of the remaining board members. Each board member and alternate shall serve until his successor is appointed and qualified. No person shall be eligible to serve as a member or alternate of the board:

- (a) Who is under the age of twenty-one (21) years;
- (b) Who resides outside the county;
- (c) Who holds any elected or appointive office of the county;
- (d) Who is an employee of the county;
- (e) Who is an officer of any organized political party.

Any member or alternate of the board may be removed for just cause during his term of office by a two-thirds (2/3) vote of the county legislative body, but only after such board member or alternate shall have been served with a statement in writing of the reasons alleged to justify his removal, and only after such member or alternate is allowed an opportunity to be represented and publicly heard in his defense before the county legislative body. Failure to attend three (3) consecutive meetings of the board for

reason other than death in the family or personal illness may, by a majority vote of the remaining board members, constitute just cause for removal and shall serve as constructive resignation from the board. The vacancy shall then be filled as prescribed herein.

SECTION 4. Nothing in this act shall be construed as having the effect of removing an incumbent from any county office or abridging the term prior to the end of the term for which such public officer was selected.

Mr. Moore moved that the House concur in Senate Amendment No. 1 to House Bill No. 1200, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1251--To make provisions, Housing development agency.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1251 by deleting Section 2 in its entirety and by substituting the following:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 29, is amended by adding the following as a new section:

SECTION _____. (a) The following governmental entities shall terminate on June 30, 1993:

- () Housing development agency, board of directors, created by section 13-23-205;

(b) Each department, commission, board, agency, or council of state government created during calendar year 1992 shall terminate on June 30, 1993.

(c) Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter.

Mr. King moved that the House concur in Senate Amendment No. 1 which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1255--To continue board of examiners for mines.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1255 by deleting the figure "1993" in the amendatory language of Section 2 (b) and by substituting instead the figure "1993".

Mr. King moved that the House concur in Senate Amendment No. 1 to House Bill No. 1255, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis

(Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF AMENDED BILL

Senate Bill No. 1258--To fix penalties, certain trucks.

Mr. Wheeler moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Bill No. 1258, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1266--To make provisions, housing rehabilitation corporation.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1266 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-208 (a), is amended by adding the following language as an appropriately numbered new item:

() Housing rehabilitation corporation, board of directors, created by Section 13-22-103;

Mr. King moved that the House concur in Senate Amendment No. 1 to House Bill No. 1266, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey,

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McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1445--To regulate conduct of elections, certain telephone cooperatives.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1445 at the end of Section 1, Part 1 by deleting "." after the word "more" and adding "and who serve less than 20,000 subscribers."

SENATE AMENDMENT NO. 2

Amend House Bill No. 1445 by adding the following language at the end of the amendatory language of Section 1:

The board of directors is hereby authorized to contract with any county election commission, or the employees thereof, affected by the terms of this act for the purpose of holding an election pursuant to the provisions of this act.

To provide further to amend Amendment No. 1 by striking the words "of the county specified by the by-laws of any such cooperative" and by adding a period after the word commission in Section (9) of the first sentence.

Mr. Buck moved that the House concur in Senate Amendments Nos. 1 and 2 to House Bill No. 1445, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt,

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Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1488--To regulate spacing of oil wells.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1488 by deleting the words and figures "two thousand five hundred (2,500) feet" in the fifth line of Section 1, and inserting the words and figures "two thousand (2,000) feet" instead.

AND FURTHER AMEND by adding the following language as Section 3.

SECTION 3. This act shall automatically expire on July 1, 1989.

Mr. Burnett moved that the House non-concur in Senate Amendment No. 1 to House Bill No. 1488, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1540--To make certain provisions, auctioneers.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 2, withdrew Senate Amendment No. 2; refused to recede from its action in adopting Senate Amendments Nos. 3 and 4; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF AMENDED BILL

House Bill No. 1540--To provide for roster of licensed auctioneers.

Mr. Collier moved that the House refuse to recede from its action in nonconcurring in Senate Amendments Nos. 3 and 4 to House Bill No. 1540, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1888--To make certain provisions, motor vehicle warranties.

SENATE AMENDMENT NO. 4

Amend House Bill No. 1888 by adding to the end of the second sentence in Section 1 (c) the words "and vehicles over 10,000 lb gross vehicle weight."

AND FURTHER AMEND by deleting Section 5 (c) in its entirety and by substituting instead the following:

(c) It shall be the responsibility of the consumer, or his representative, prior to availing himself of the provisions of Section 3 of this act, to give written notification by certified mail direct to the manufacturer of the need for the correction or repair of the nonconformity. If the address of the manufacturer is not readily available to the consumer in the owner's manual or manufacturer's warranty received by the consumer at the time of purchase of the motor vehicle, such written notification shall be mailed to an authorized dealer. The authorized dealer shall upon receipt forward such notification to the manufacturer. If at the time such notice is given, either of the conditions set forth in subsection (a) of this section already exists, the manufacturer shall be given an additional opportunity after receipt of the notification, not to exceed ten days, to correct or repair the nonconformity.

AND FURTHER AMEND by inserting in Section 6 (a) after the words "November 3, 1983" the words "and of this act,".

AND FURTHER AMEND by deleting in Section 6 (b) (6) the word "find".

Mr. May moved that the House concur in Senate Amendment No. 4 to House Bill No. 1888, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford,

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Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1868--To make certain provisions, radiation machine operators.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1868 by adding in the fifth line of the amendatory language of Section 1 after the word and symbols "certificate." the following new words and symbols:

"Effective April 1, 1986 all regulatory boards' rules and regulations pertaining to medical radiation equipment must receive approval by the Commissioner of Health and Environment prior to promulgation.";

AND FURTHER AMEND by deleting Section 2 in its entirety and by substituting in lieu thereof a new Section 2 to read as follows:

SECTION 2. This act shall take effect July 1, 1987.

Mr. DePriest moved that the House concur in Senate Amendment No. 1 to House Bill No. 1868, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

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Mr. Rhinehart moved that Messages from the Senate be placed on Wednesday's Message Calendar, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1600, 1671, 1743, 1802, 1883, 1945, 2013, 2016 and 2042; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1435--To regulate operation of certain transportation and equipment;

1623--To exempt certain repair service, sales and use tax;

1762--To set penalty, minor making false statement, alcoholic beverages;

1829--To exempt certain governmental entities from liability;

2034--To authorize dog and cat control program, Washington County;

2050--To set compensation, mayor and aldermen, Brownsville;

2054--To repeal Chapter 728, Private Acts, 1947;

2055--To amend Charter, Trenton;

2058--To regulate General Sessions Court, Wilson County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

594--Relative to VA State Grant Cemeteries and State Home;

700--Relative to proclaiming Middle Tennessee Area Health Education Center Week;

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701--Relative to honoring recipients, Woman of the Year Award; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1011, 1192, 1246, 1588, 1661, 1670, 1682, 1686, 1731, 1769, 1799, 1912, 1992, 2019, 2024, 2029, 2030, 2031 and 2032; also, House Joint Resolutions Nos. 608, 612, 613, 614, 615, 616, 617 and 628; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

333--Relative to commending Dianne Ackaovy;

339--Relative to sympathy, Mr. L. T. Stewart adopted for concurrence.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

715--To regulate certain investment securities;

1241--To appropriate funds, certain dues, county officeholders;

1495--To make certain provisions, municipal planning commission;

1601--To regulate titling, certain wrecked vehicles;

2063--To control collection of solid waste, Sumner County;

2064--To regulate jurisdiction, General Sessions Court, Madison County;

2066--To authorize bond sale, Tenth School District, Wilson County; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

628--To regulate municipal ordinances;

519--To regulate use of telephone, advertising; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 673 out of order, which motion prevailed.

House Joint Resolution No. 673--Relative to congratulating Kathy Renee Rollow--By Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 674 out of order, which motion prevailed.

House Joint Resolution No. 674--Relative to honoring Rector E. Miller--Wheeler and Cross.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 696 out of order, which motion prevailed.

House Joint Resolution No. 696--Relative to congratulating Karen Sue Phillips--By Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

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A motion to reconsider was tabled.

Mr. Clark (Sumner) moved that the rules be suspended for the purpose of introducing House Resolution No. 136 out of order, which motion prevailed.

House Resolution No. 136--Relative to study, private ownership of exotic animals--By Clark (Sumner).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Clark (Sumner), House Resolution No. 136 was referred to the Committee on Calendar and Rules.

Mr. Naifeh moved that the rules be suspended for introduction and immediate consideration of the following resolutions, which motion prevailed: House Resolutions Nos. 137, 138, 139, 141, 142 and 143; House Joint Resolutions Nos. 698, 699, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712 and 713.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 137--Relative to congratulating Eugene and Clyde Keen--By Wix.

House Resolution No. 138--Relative to congratulating Mr. and Mrs. Leon Shoulders--By Wix.

House Resolution No. 139--Relative to congratulating Mr. and Mrs. Kayo May--By Wix.

House Resolution No. 141--Relative to honoring Dr. Herman Stone --By Kisber.

House Resolution No. 142--Relative to commending Mary Angela Strain--By Byrd.

House Resolution No. 143--Relative to honoring Kesterson Food Company--By Ridgeway and Mr. Speaker McWherter.

House Joint Resolution No. 698--Relative to expressing appreciation, Jack Houston Locke, Jr.--By Severance and Peroulas.

House Joint Resolution No. 699--Relative to congratulating Waylan Payne--By Burnett.

House Joint Resolution No. 702--Relative to honoring the Word of Faith Christian Center--By DeBerry, Dixon and Turner, L. (Shelby).

House Joint Resolution No. 703--Relative to honoring Obion County High School girls' team--By Tanner.

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House Joint Resolution No. 704--Relative to honoring Obion County Central High School boys' basketball team--By Tanner.

House Joint Resolution No. 705--Relative to honoring A. Keith McDonald--By Byrd.

House Joint Resolution No. 706--Relative to congratulating Gail Cobb--By Ussery and Darnell.

House Joint Resolution No. 707--Relative to commending the Greenback Lady Cherokees--By Stafford.

House Joint Resolution No. 708--Relative to honoring Coach Thomas Watson, Celina High School--By Winningham.

House Joint Resolution No. 709--Relative to honoring Celina High School boys' basketball team--By Winningham.

House Joint Resolution No. 710--Relative to honoring Celina High School football team--By Winningham.

House Joint Resolution No. 711--Relative to memory, former mayor Tom Hall of Millington--By Moore and Mr. Speaker McWherter.

House Joint Resolution No. 712--Relative to honoring Oak Ridge High School girls' basketball team--By McNally and Henry.

House Joint Resolution No. 713--Relative to honoring LeMoyne-Owen College men's basketball team--By Dixon and DeBerry.

Mr. Naifeh moved that House Resolutions Nos. 137, 138, 139, 141, 142 and 143, and House Joint Resolutions Nos. 698, 699, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712 and 713 be adopted, which motion prevailed.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1335, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Bragg moved that the rules be suspended for immediate consideration of House Bill No. 1335, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1335

House Bill No. 1335--To Title 4, Chapter 31, Code.

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Mr. Bragg moved that the motion to reconsider House Bill No. 1335 be lifted from the table, which motion prevailed.

Mr. Bragg moved that the House reconsider its action in passing House Bill No. 1335 on third and final consideration, as amended, which motion prevailed.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1335 by adding a new section as follows:

SECTION ____ . Tennessee Code Annotated, Title 4, Chapter 31, is amended by adding the following language as new sections within an appropriately designated new part 5:

4-31-501. Short Title.

This part shall be known and may be cited as the "Tennessee Local Development Authority Rural Fire Protection Equipment Act of 1986".

4-31-502. Intent.

It is in the interest and welfare of the people of Tennessee, that the Tennessee local development authority be empowered to issue its revenue bonds and to make the proceeds available for loans to counties for the purchase of equipment for the use of county or volunteer fire departments serving unincorporated areas of the county, in order to improve county and other rural fire protection, which will in turn result in improvements in fire ratings and a reduction in fire insurance premiums.

4-31-503. Definitions.

As used in this part unless the context otherwise requires:

(1) "Equipment" shall mean fire engines, ladders, hooks, hoses, and all other equipment necessary for the containing and extinguishing of fires;

(2) "Loan agreement" shall mean a contractual arrangement by and between a county and the authority pursuant to and in accordance with the provisions of this part.

4-31-504. Loans for the purchase of equipment for the use of county or volunteer fire departments by counties receiving state-shared taxes - schedule of payments.

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(a) For the purpose of providing moneys to fund loans authorized by this part, the authority, in addition to the powers otherwise created by law, shall have the power and is hereby authorized to issue from time to time negotiable bonds and notes of the authority in an amount not to exceed ten million dollars (\$10,000,000) in accordance with the terms set forth in Title 4, Chapter 31, Sections 105, 106 and 107(d).

(b) Bonds or notes issued pursuant to the provisions of this part shall not be issued and sold as part of an issue of bonds or notes of the authority issued pursuant to any other provisions of this chapter or any other law; provided that the foregoing shall not prohibit the issuance of separate issues of bonds or notes pursuant to the provisions of this part.

(c) In addition to the powers otherwise granted by law, the authority shall have the power and is authorized to make loans to any county for the acquisition of equipment for the use of county or volunteer fire departments serving the unincorporated areas of a county pursuant to a loan agreement between the county the authority. Such loans shall be made from the proceeds of bonds or notes issued by the authority for the purpose of making such loans.

(d)(1) The authority shall establish a repayment schedule to be made by a county under a loan agreement. Such repayments shall be in such amounts as will be at least sufficient, together with other funds available therefor, to pay the principal of, and interest on, bonds and notes issued by the authority for the purpose of providing loans to counties for the purchase of equipment as may be necessary for the authority to maintain a reserve for debt service. The authority may collect an administrative fee in addition to such repayment schedule in an amount as may be set forth in the loan agreement. At the time of approval of a loan agreement the annual repayment schedule applicable to all approved loans to a county under provisions of this part, when combined with the annual repayment schedules applicable to approved loans to counties under the provisions of title 68, chapter 13, parts 2, and 5, title 68, chapter 31, part 4 or any other loan agreement entered into between the county and the authority pursuant to title 4, chapter 31, shall not exceed one hundred percent (100%) of the unobligated amount of annual state-shared taxes paid to the county as shown by the latest completed audit for the state's fiscal year. Nothing contained herein shall require a uniform test for all loans, it being the intent of the general assembly that the authority exercise discretion based on the facts and circumstances of each loan. In exercising its discretion, the authority shall take into consideration the general financial condition of the county receiving the loan.

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(2) For purposes of determining compliance with this subsection, the annual repayment schedule for each loan shall be, in cases prior to the funding of such loans or where such loans have been financed on an interim basis other than by bonds, an estimated annual repayment schedule showing debt service requirements under the loan agreements as if the bonds to be issued to fund such loans will bear interest at a rate per annum and mature in such manner as the authority shall establish at the time of the approval of each such loan and, in cases where bonds have been issued to fund such loan the actual debt service requirements on such bonds.

4-31-505. Administration of loans.

(a) The authority shall administer loans made under the provisions of this part. In so doing, the authority may adopt rules and regulations necessary for the effective administration of this part, including the promulgation of prerequisites which must be fulfilled by the county in order to be eligible for a loan, procedures to be followed in making loan applications to the authority, procedures to be followed in the disbursement of loan funds, and procedures for enforcing agreements entered into by a county with the authority.

(b) Any county entering into a loan agreement with the authority must state in the loan application in addition to any requirements established by the authority pursuant to rules and regulations, that the purchase of the equipment is reasonably calculated to result in a reduction of fire insurance premium rates for businesses and residents within the unincorporated area of the county served by the county or volunteer fire department.

4-31-506. Loan Agreements.

(a) Subject to the provisions of section 4-31-505 and subject to any existing contractual obligations of the county, the authority may enter into loan agreements with any county and any county may enter into loan agreements with the authority for loans for equipment for the use of county or volunteer fire departments serving the unincorporated area of the county.

(b) Any loan agreement may include such provisions as may be agreed upon by the authority and the county subject to the provisions of section 4-31-505 and shall additionally include, in substance, the following:

(1) The amount of the loan, not to exceed the estimated reasonable cost of the equipment to be purchased, as determined by the authority;

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(2) An agreement by the local government unit:

(A) To proceed expeditiously with the purchase in accordance with the loan agreement approved pursuant to this part;

(B) To not dispose of the equipment without the prior approval of the authority;

(C) To pledge any available sources of revenue to make payment according to the repayment schedule established by the authority including state-shared taxes and to make such payments; and

(D) To establish and maintain adequate financial records for the equipment, including maintaining an inventory; and to cause to be made an annual audit of the financial records and transactions covering each fiscal year in accordance with generally accepted government auditing standards, and to furnish a copy of such audits to the state comptroller.

Failure of a county to file the audit required by subsection (D) above with the state comptroller each year until the loan along with interest is totally repaid shall constitute a misdemeanor and anyone violating this provision, upon conviction, shall be liable for a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each violation, within discretion of the court, and each day of continued violation shall constitute a separate offense.

4-31-507. Further agreements and guarantees.

The authority shall have the right to enter into such further agreements with a county and require such further guarantees or securities as it may see fit prior to, or simultaneously with, the issuance of bonds or to refuse to issue bonds until such agreements or securities, in any form which the authority may elect, are agreed to or are obtained.

4-31-508. Approval of agreements - Payments subject to audit.

All loan agreements entered into pursuant to this part shall be subject to approval by the attorney general as to the form and by the commissioner of finance and administration and all payments made pursuant to said loan agreements shall be made on vouchers approved by the authority and such payments shall be subject to audit at any time.

4-31-509. Allocation of funds - Criteria.

In allocating loan funds to counties, the authority shall give consideration to, and apply, the following standards and criteria:

- (1) The need and desirability for such equipment; and
- (2) The ability of the county to secure borrowed money from other sources and costs thereof.

4-31-510. Tax levy to meet payments.

In the event the funds pledged shall be insufficient to meet the payments as established by the authority, any county shall levy a tax on property sufficient to make such payments, which shall be in addition to all other taxes authorized or limited by law.

4-31-511. Failure to make payments - Withholding of state-shared revenues authorized.

(a) In the event any county having entered into a loan agreement shall fail to remit funds in accordance with the annual repayment schedule established by the authority, the commissioner of finance and administration shall deliver by certified mail a written notice of such failure to the county, as the case may be, within five (5) days of such failure.

(b) In the event the county shall fail to remit the amount set forth in the notice within sixty (60) days of the receipt of the notice, the commissioner of finance and administration shall, without further authorization, withhold such sum or part of such sum from any state-shared taxes which are otherwise apportioned to such county, as the case may be, for the benefit of the authority issuing bonds or notes for the purposes referred to in this part.

(c) A county shall not have any claims on state-shared taxes withheld as permitted under the terms of this part.

4-31-512. Authority to establish Rural Fire Protection Equipment Fund.

The authority is hereby authorized to establish in the treasury of the state a separate special trust fund of the authority for each separate issue of bonds or notes which is similarly secured to be known as the "rural fire protection equipment fund" and to bear such additional designation as the authority deems appropriate to properly identify each fund. The state hereby covenants and agrees that from and after the issuance of any bonds or notes under and pursuant

to this part, moneys derived by the state from payments made pursuant to loan agreements with such counties and moneys withheld from state-shared taxes apportioned to such counties as permitted under the terms of the loan agreements which are pledged to the payment of such bonds or notes shall be paid into the particular fund established for the issuance of bonds or notes to which such moneys are pledged. Such moneys shall be accounted for separately from all other moneys in the treasury and shall be applied by the authority solely for the purpose of paying principal of and interest and premium, if any, on such issue of bonds and notes issued pursuant to this section, refunding moneys due to participating counties where appropriate, and paying all other costs incidental to the administration of the authority in connection with the loan agreements and the issuance of such issue of bonds and notes.

4-31-513. Enforcing of agreement by court action.

The authority shall have the right, in addition to all other rights, by mandamus or other suit, action or proceeding in any court of competent jurisdiction, to require the county and the governing body and any proper officer, agent or employee of the county to carry out any agreements and to perform its and their duties under this part of any rule or regulation of the authority adopted pursuant thereto.

4-31-514. Debt limit not applicable.

Any county may enter into loan agreements under the provisions of this part notwithstanding and without regard to any limit on indebtedness provided by law.

4-31-515. Actions of governing body by resolution.

All action required or authorized to be taken under this part by the governing body of any county may be by resolution, which resolution may be adopted at the meeting of the governing body at which such resolution is introduced and shall take effect immediately upon its adoption.

4-31-516. Provisions supplemental.

This part shall be in addition and supplemental to any other law providing for the financing of the purchase of equipment by counties and shall not be deemed to amend or repeal any other law. No proceedings by a county shall be required for loan agreements hereunder, except as provided by this part, any provisions of law to the contrary notwithstanding. Nor shall any requirements or restrictions applicable to borrowing by any county, contained in any other law be applicable to loans under this part.

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AND FURTHER AMEND by adding a new section as follows:

SECTION _____. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

AND FURTHER AMEND by deleting Section 4-31-406(b)(3)(F) in its entirety, being part of the language added by Amendment 1, and by substituting instead the following:

(F) To establish and maintain adequate financial records for the project, and to cause to be made an annual audit of the financial records and transactions covering each fiscal year in accordance with generally accepted government auditing standards, and to furnish a copy of such audits to the state comptroller.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1335, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

RULES SUSPENDED

Mr. Dills moved that the rules be suspended for the introduction of House Bill No. 2076, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 2076--To increase tax on lodgings, Dyersburg--By

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Dills.

Passed first consideration.

MOTION

Mr. Naifeh moved that all bills set for Thursday's Calendar be moved to the Calendar for Wednesday, April 9, 1986, which motion prevailed.

RULES SUSPENDED

Mr. Gill moved that Rule No. 48 be suspended for Wednesday's Calendar, which motion prevailed.

Mr. Huskey moved that the rules be suspended for introduction of House Resolution No. 140, which motion prevailed.

INTRODUCTION OF RESOLUTION

House Resolution No. 140--Relative to naming certain bridge on Highway 11-W--By Hurley.

Mr. Hurley moved that House Resolution No. 140 be referred to the Committee on Calendar and Rules, which motion prevailed.

BILLS RE-REFERRED

On motion of Mr. Wolfe, House Joint Resolution No. 652 was recalled from the Committee on State and Local Government.

On motion of Mr. Wolfe, House Joint Resolution No. 652 was re-referred to the Committee on Calendar and Rules.

On motion of Mr. Gill, House Bills Nos. 821 and 1181 were recalled from the Committee on Calendar and Rules.

On motion of Mr. Gill, House Bills Nos. 821 and 1181 were re-referred to the Committee on Finance, Ways and Means.

On motion of Mr. Henry, House Joint Resolution No. 623 was recalled from the Committee on State and Local Government.

On motion of Mr. Henry, House Joint Resolution No. 623 was re-referred to the Committee on Calendar and Rules.

On motion of Mr. Tanner, Senate Joint Resolutions Nos. 234 and 235 were recalled from the Committee on Conservation and Environment.

On motion of Mr. Tanner, Senate Joint Resolutions Nos. 234 and 235 was re-referred to the Committee on Calendar and Rules.

On motion of Mr. Davis (Gibson), House Bill No. 770 was recalled from the Committee on Commerce.

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On motion of Mr. Davis (Gibson), House Bill No. 770 was re-referred to the Committee on Finance, Ways and Means.

On motion of Mr. Ridgeway, House Joint Resolution No. 620 was recalled from the Committee on Conservation and Environment.

On motion of Mr. Ridgeway, House Joint Resolution No. 620 was re-referred to the Committee on Calendar and Rules.

On motion of Mr. Starnes, House Bills Nos. 1608 and 1641 were recalled from the Committee on Education.

On motion of Mr. Starnes, House Bills Nos. 1608 and 1641 was re-referred to the Committee on Finance, Ways and Means.

Ms. Duer moved that the House reconsider its action on House Bills Nos. 1608 and 1641, which motion prevailed by the following vote:

Ayes	48
Noes	30
Present and not voting	1

Representatives voting aye were: Bewley, Bragg, Buck, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Crain, Davis (Cocke), Davis (Knox), Drew, Duer, Frensley, Gafford, Harrill, Hassell, Hawkins, Henry, Hurley, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Nance, Patterson, Peroulas, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Tanner, Turner, L. (Shelby), Ussery, Webb, West, Williams, Wix, Wolfe and Wood--48.

Representatives voting no were: Bivens, Brewer, Burnett, Covington, Cross, Davidson, Davis (Gibson), DeBerry, Dillis, Dixon, Ellis, Gill, Hobbs, Ivy, Jared, Jones, King, Love, Miller, Murray, Napier, Pruitt, Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Wheeler, Winningham and Yelton --30.

Representative present and not voting was: Hillis--1.

Thereupon, Mr. Starnes withdrew his motion on House Bill No. 1641.

Mr. Starnes again moved that House Bill No. 1608 be recalled from the Committee on Education and re-referred to the Committee on Finance, Ways and Means.

Ms. Duer objected to the motion.

Thereupon, Mr. Starnes' motion to re-refer House Bill No. 1608 prevailed by the following vote:

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Ayes	42
Noes	38
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Brewer, Buck, Burnett, Byrd, Covington, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gill, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, King, Love, Miller, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Severance, Stallings, Starnes, Turner (Hamilton), Ussery, West, Wheeler, Winningham, Wix, Work and Mr. Speaker McWherter--42.

Representatives voting no were: Bewley, Chiles, Collier, Copeland, Curlee, Davis (Knox), Dills, Drew, Duer, Frensley, Gafford, Harrill, Hassell, Hawkins, Henry, Lawson, May, McCroskey, McNally, Montgomery, Moody, Moore, Naifeh, Nance, Napier, Peroulas, Ridgeway, Robinson (Washington), Scruggs, Shirley, Stafford, Swann, Tankersley, Tanner, Turner, L. (Shelby), Webb, Williams and Wood--38.

Representative present and not voting was: Yelton--1.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 128--Relative to commending Thomas G. Ailstock--By Patterson.

Under the rules, House Resolution No. 128 was referred to the Committee on Calendar and Rules.

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House Resolution No. 129--Relative to commending Pamela E. Strickland--By Patterson, Murphy, Turner, C. (Shelby), Williams, Moody, Davis (Knox) and Buck.

Under the rules, House Resolution No. 129 was referred to the Committee on Calendar and Rules.

House Resolution No. 130--Relative to honoring Matthew Woomer--By McAfee.

Under the rules, House Resolution No. 130 was referred to the Committee on Calendar and Rules.

House Resolution No. 131--Relative to commending Carlos Roy Tidwell--By Robinson (Davidson) and Yelton.

Under the rules, House Resolution No. 131 was referred to the Committee on Calendar and Rules.

House Resolution No. 133--Relative to congratulating Mrs. Mamie Young Simpson--By Curlee.

Under the rules, House Resolution No. 133 was referred to the Committee on Calendar and Rules.

House Resolution No. 134--Relative to congratulating Wiley and Lillie Owen--By Ridgeway and Mr. Speaker McWherter.

Under the rules, House Resolution No. 134 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 670--Relative to congratulating Miss Jennifer L. Seaborn--By Frensley.

Under the rules, House Joint Resolution No. 670 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 672--Relative to honoring Dyersburg High School girls' basketball team--By Dills.

Under the rules, House Joint Resolution No. 672 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 676--Relative to honoring Dwain Farmer--By Webb, Henry, Starnes and Harrill.

Under the rules, House Joint Resolution No. 676 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 678--Relative to commending James A. Haslam II--By Drew, Scruggs, Peroulas, Miller, Davis (Knox) and May.

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Under the rules, House Joint Resolution No. 678 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 679--Relative to honoring Knoxville Women's Center--By Drew.

Under the rules, House Joint Resolution No. 679 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 680--Relative to honoring Kingsport Dobyns-Bennett High School--By Montgomery, Yelton, Patterson, Robinson (Washington), Whitson, Hurley, Davis (Knox), McCroskey, Hawkins, Bewley and Moody.

Under the rules, House Joint Resolution No. 680 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 681--Relative to honoring Joseph R. "Pit" Hyde III--By Dixon, Nance, Shirley, Hassell, Williams, Turner, C. (Shelby), Turner, L. (Shelby), Gaia, Gill and Mr. Speaker McWherter.

Under the rules, House Joint Resolution No. 681 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 682--Relative to honoring Shelbyville Central High School girls' basketball team--By Phillips.

Under the rules, House Joint Resolution No. 682 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 683--Relative to honoring Bradley Central High School girls' basketball team--By Harrill and Bivens.

Under the rules, House Joint Resolution No. 687 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 685--Relative to honoring Macon County High School girls' basketball team--By Winningham and Wix.

Under the rules, House Joint Resolution No. 685 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 686--Relative to honoring Macon County High School boys' basketball team--By Winningham and Wix.

Under the rules, House Joint Resolution No. 686 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 687--Relative to honoring Cannon Whitby--By Tanner.

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Under the rules, House Joint Resolution No. 687 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 688--Relative to study, increased benefits for National Guard--By Dixon and Mr. Speaker McWherter.

The Speaker referred House Joint Resolution No. 688 to the Committee on Calendar and Rules.

House Joint Resolution No. 689--Relative to honoring J. C. Eoff, Jr.--By Curlee.

Under the rules, House Joint Resolution No. 689 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 690--Relative to honoring Morris L. Simon--By Curlee.

Under the rules, House Joint Resolution No. 690 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 691--Relative to honoring Oak Ridge High School boys' basketball team--By McNally and Henry.

Under the rules, House Joint Resolution No. 691 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 692--Relative to congratulating Rachel Huff--By Stafford.

Under the rules, House Joint Resolution No. 692 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 693--Relative to study, joint custody of children--By Williams, Murphy and Scruggs.

The Speaker referred House Joint Resolution No. 693 to the Committee on Calendar and Rules.

House Joint Resolution No. 694--Relative to commending Paul F. Willson--By Webb and Mr. Speaker McWherter.

Under the rules, House Joint Resolution No. 694 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 695--Relative to memory Robert Kenneth Bell--By Duer and McAfee.

Under the rules, House Joint Resolution No. 695 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 697--Relative to honoring Oprah Winfrey--By Covington, Pruitt, Love, Ellis, Murphy, West, Garrett, Cobb, Clark (Davidson) and Robinson (Davidson).

Under the rules, House Joint Resolution No. 697 was referred to the Committee on Calendar and Rules.

House Resolution No. 135--Relative to study, availability of insurance, certain risks--By Wheeler.

The Speaker referred House Resolution No. 135 to the Committee on Calendar and Rules.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 260--Relative to designating "Eugene W. Fowinkle Central Laboratory."

The Speaker referred Senate Joint Resolution No. 260 to the Committee on Calendar and Rules.

Senate Joint Resolution No. 315--Relative to recess, Ninety-Fourth General Assembly.

Senate Joint Resolution No. 315 was held on the Clerk's desk.

Senate Joint Resolution No. 317--Relative to sympathy, Orland N. Randles, Sr.

Under the rules, Senate Joint Resolution No. 317 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 2069--To regulate solid waste disposal, Sumner County--By Clark (Sumner) and Wix.

Passed first consideration.

House Bill No. 2070--To set terms, Board of Highway Commissioners, Lake County--By Tanner.

Passed first consideration.

House Bill No. 2071--To regulate water utility districts, certain counties--By Whitson.

Passed first consideration.

House Bill No. 2073--To provide for fire fighting services, Bells--By Dills.

Passed first consideration.

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SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1265--To provide out-of-state tuition, certain education institutions.

Passed first consideration.

Senate Bill No. 1505--To define police officers, certain purposes.

Passed first consideration.

Senate Bill No. 1611--To amend Retailers' Sales Tax Act.

Passed first consideration.

Senate Bill No. 1629--To enact The Comprehensive Tax Restructure Act.

Passed first consideration.

Senate Bill No. 1735--To create statewide public guardianship program, elderly.

Passed first consideration.

Senate Bill No. 1910--To make provisions, certain mileage allowances.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2056--To provide for advisory referendum Lexington.

Passed second consideration and held without reference.

House Bill No. 2057--To establish building permit system, Obion County.

Passed second consideration and held without reference.

House Bill No. 2059--To make certain provisions, Henderson.

Passed second consideration and held without reference.

House Bill No. 2060--to amend charter, Trimble.

Passed second consideration and held without reference.

House Bill No. 2061--To amend charter, Clarksville.

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Passed second consideration and held without reference.

House Bill No. 2063--To regulate purchasing Chattanooga-Hamilton County Hospital Authority.

Passed second consideration and held without reference.

House Bill No. 2064--To establish method, termination of employees, Clarksville.

Passed second consideration and held without reference.

House Bill No. 2065--To amend Section 55-5-108, Code.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 2066--To authorize judicial commissioners, certain counties.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 2067--To authorize bond issue, Tenth School District, Wilson County.

Passed second consideration and held without reference.

House Bill No. 2068--To amend Charter, Ridgetop.

Passed second consideration and held without reference.

House Bill No. 2072--To provide for filling of vacancies, Gibson County School District.

Passed second consideration and held without reference.

House Bill No. 2074--To regulate general sessions court, Madison County.

Passed second consideration and held without reference.

House Bill No. 2075--To regulate Madison County Sheriff's Department.

Passed second consideration and held without reference.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for

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passage: House Bill No. 1549 (with amendment).

BRAGG, Chairman.

Under the rules, House Bill No. 1549 was transmitted to the Committee on Calendar and Rules.

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bill: House Bill No. 2065.

Ned R. McWherter

Jimmy Naifeh

James M. Henry

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1140, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MEMORANDUM

TO: Bryant Millsaps
FROM: William H. Inman
RE: House Bill No. 1694
DATE: April 7, 1986

Per your request, I am returning House Bill No. 1694.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 864, 1335, 1550, 1598, 1653, 1955 and 2026; and House Joint Resolutions Nos. 673, 674, 696, 698, 699, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712 and 713; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

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REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 9, 1986: House Bills Nos. 1949, 1386, 1385, 1437, 1771, 1789, 1521, 1463, 1549, 1578, 759; and House Joint Resolution No. 533.

GILL, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 770--Henry

House Bill No. 1209--King

House Bill No. 1536--Darnell

House Bill No. 1550--Darnell

House Bill No. 1644--Darnell

House Bill No. 1778--Darnell

House Bill No. 1917--Darnell

House Bill No. 1960--Drew

House Bill No. 1962--Darnell

House Resolution No. 141--Mr. Speaker McWherter

House Joint Resolution No. 533--DeBerry

CORRECTION TO JOURNAL

On Thursday, April 3, (page 3105), House Bill No. 2004 was reported as recommended for passage by the Committee on Judiciary and transmitted to the Committee on Calendar and Rules.

This is in error. House Bill No. 2004 is still in the Committee on Judiciary.

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules:

MONDAY, APRIL 7, 1986--87th LEGISLATIVE DAY

House Bills Nos. 2056, 2057, 2059, 2060, 2061, 2064, 2068, 2072, 2074, 2075 and 2067.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, April 9, 1986: House Joint Resolutions Nos. 623, 638, House Resolutions Nos. 101, 114, Senate Joint Resolutions Nos. 234, 235, House Joint Resolution No. 652, Senate Joint Resolution No. 317, House Resolutions Nos. 128, 129, 130, 131, 133, 134, 140, House Joint Resolutions Nos. 670, 672, 676, 678, 679, 680, 681, 682, 683, 685, 686, 687, 689, 690, 691, 692, 694, 695, 697, House Bills Nos. 2056, 2057, 2059, 2060, 2061, 2064, 2067, 2068, 2072 and 2074.

GILL, Chairman.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m., Wednesday, April 9, 1986.